

PROPOSED AGENDA  
COUNCIL MEETING  
January 6, 2015  
7:00 PM

CALL TO ORDER - Mayor Sammy Phillips

PLEDGE OF ALLEGIANCE

INVOCATION

ADOPTION OF AGENDA

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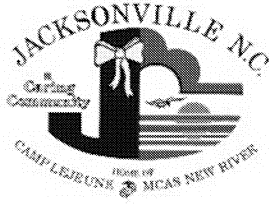
REPORTS

City Council

Mayor

City Attorney

City Manager



# City Council Presentation

Presentation Item: <b>A</b> Date: 1/6/2015
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**Subject:** Jacksonville Youth Council Officers Oath of Office

**Department:** Community Programs

**Prepared by:** Glenn Hargett

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## **Presentation Description**

The Jacksonville Youth Council serves to give youth in Jacksonville a voice. The Council stands ready to advise the City Council, govern itself, perform public service and operate a Civic Youth Center for the City.

The City would like to administer the oath of office for the Officers who will guide the Youth Council for the remainder of this school year.

The Officers are listed in the following Presentation Information.

Parents of the Youth Council officers have been invited to attend and stand with them when they take their Oath of Office.

## **Action**

Administer the Oath of Office to Incoming Officers.

## **Attachments:**

None



# Presentation Information

Presentation Item: <b>A</b>
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## Oath Taking for the Youth Council Officers

These Terms are transitional

The election of the 2015 Officers to the Jacksonville Youth Council was held on Thursday, December 4, 2014 for persons to serve until December 2015.

**Reina Romero, Christian Kelly, Austin Hart, Irene Halferty, Chase Tucker, and Tati'yana Manguel**, were elected to the Executive Committee.

The Incoming Officers are:

Officer	Office	High	Parents' Names
Reina Romero	Chairman	Jacksonville	Dawn Romero
Christian Kelly	Vice Chairman	Southwest	Niam & Xenia Kelly
Austin Hart	Recorder	Richlands	
Irene Halferty	Jacksonville HS Seat	Jacksonville	Mark & Wooran Halferty
Chase Tucker	At Large Seat	Jacksonville	Sheryl Tucker
Tati'yana Manguel	At Large Seat	Jacksonville	Serena Abril

The oath of office is as follows:

*I, state your name*, do solemnly swear that I will support and maintain the constitution and laws of the United States, and the constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as *state your office* of the Jacksonville Youth Council, and maintain and uphold all the laws and regulations of the City of Jacksonville, so help me God.

## COUNCIL MINUTES

### SPECIAL WORKSHOP MEETING

December 2, 2014

A special meeting of the City Council of the City of Jacksonville was held Tuesday, December 2, 2014 beginning at 6:00 PM in Meeting Rooms A and B of Jacksonville City Hall. Present were: Mayor Sammy Phillips, presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington, and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager, Glenn Hargett, Assistant City Manager for Communications and Community Affairs; Carmen Miracle, City Clerk; and John Carter, City Attorney.

#### CALL TO ORDER

Mayor Phillips called the meeting to order at 6:02 PM.

#### ADOPTION OF AGENDA

A motion was made by Councilwoman Washington, seconded by Councilman Thomas, and unanimously approved to adopt the agenda as presented.

#### CLOSED SESSION

A motion was made by Councilwoman Washington, seconded by Councilman Thomas, and unanimously adopted to recess the Special Meeting to convene a Closed Session for the purpose of instructing staff in regards to negotiating property acquisition (137 Maypatch Road, 52 Kerr Street, and 202-220 Old Bridge Street) pursuant to General Statute 143-318.11, subsection (a-5); and for the purpose of discussing matters relating to the location or expansion of industries or other businesses in the area served by the public body, pursuant to General Statute 143-318.11, subsection (a-4).

Mayor Phillips reconvened the Special Workshop Meeting at 6:55 PM and announced that no action had been taken in Closed Session.

#### ADJOURNMENT

A motion was made by Councilwoman Washington, seconded by Councilman Thomas, and unanimously adopted to adjourn the meeting at 6:56 PM.

## COUNCIL MINUTES

### REGULAR MEETING

December 2, 2014

A Regular Meeting of the City Council of the City of Jacksonville was held Tuesday, December 2, 2014 beginning at 7:00 PM in the Council Chambers of City Hall. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Gayle Maides, Finance Director; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Wally Hansen, Public Services Director; Reggie Goodson, Planning and Development Services Director; Mike Yaniero, Director of Public Safety; Susan Baptist and Michael Liquori, Interim Recreation and Park Directors; Carmen Miracle, City Clerk; and John Carter, City Attorney.

\*A video of the Council Meeting is presently available for review on the City's website.

#### CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 7:01 PM.

#### PLEDGE OF ALLEGIANCE

Mr. George Barrows Sr. led the Pledge of Allegiance.

#### INVOCATION

Mr. John Carter pronounced the invocation.

#### RECOGNITION

Mayor Phillips recognized Senator Harry Brown who was in attendance.

#### ADOPTION OF AGENDA

A motion was made by Mayor Pro-Tem Michael Lazzara, seconded by Councilman Warden, and unanimously approved to adopt the agenda as presented.

#### ADOPTION OF MINUTES

A motion was made by Councilman Bittner, seconded by Councilman Thomas, and unanimously approved to adopt the minutes of the November 13, 2014 Special Meeting and the November 18, 2014 Regular Meeting as presented.

## PRESENTATIONS

### RIVER OF LIFE CHURCH – PRESENTATION OF DONATION TO THE CITY

James Grayson from the River of Life Church, along with members of the church presented a donation of \$10,000 to the City. Susan Baptist, Interim Recreation and Park Director stated that last year's donation assisted the Recreation and Parks Department in providing 172 scholarships to at-risk children for Recreation and Parks summer camps. The donation received this year would continue the scholarship fund.

Mayor Phillips thanked the Church for all that they did and presented a Certificate of Recognition to Mr. Grayson and the members for their dedication and support to Jacksonville and its citizens. Since 2006, the church provided an annual donation to the City to assist with community programs.

### PRESENTATION OF CERTIFICATE TO POLICE SERGEANT DENISE PETERS

Mayor Phillips presented a Certificate to Sergeant Denise Peters of the Jacksonville Police Department for completion of the School Resource Officer Certificate Program at the North Carolina Justice Academy. The program required 400 hours of training and was designed to recognize the achievement of law enforcement professionals who had dedicated themselves to making the schools safer for our citizens.

### RECOGNITION OF SERVICE

Mayor Phillips recognized Councilman Bob Warden for five years of service to the City and presented him with a five year longevity certificate and City pin. He stated Councilman Warden was no stranger to volunteerism and service to the citizens. Prior to his election to City Council, he served on the City's Planning Advisory Board for fifteen years and on the City's Water & Sewer Advisory Board for six years.

### PRESENTATION OF THE ORDER OF THE LONG LEAF PINE

Mr. George Barrows stated that 25 years ago Governor Martin awarded him the Order of the Long Leaf Pine and as an ambassador, he was entitled to nominate others. After Mr. Barrows read a portion of the nomination, Senator Harry Brown presented the award to Mayor Phillips on behalf of Governor McCrory and noted that the Order of the Long Leaf Pine was the highest honor a citizen of North Carolina could be recognized with. Mayor Pro-Tem Lazzara stated that it was a well deserved recognition for Mayor Phillip's passion for the City and its citizens.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

ADOPTION OF CONSENT ITEMS

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously approved to adopt the consent items as presented.

CONSENT ITEMS

VOLUNTARY ANNEXATION PETITION – THE HARRY C BROWN FAMILY LLC  
– 17.26-ACRES

On behalf of The Harry C. Brown Family LLC, John L. Pierce & Associates submitted a voluntary annexation petition for a 17.26-acre parcel that was contiguous to the current City limit boundaries. The tract was located along U.S. Hwy 17 North near its intersection with Drummer Kellum Road and directly across from Stevenson Toyota. Development plans were to eventually locate from two to seven commercial businesses on the site and in the near future, a 22,000 square foot Gerber Automotive Repair facility and an Enterprise Rental Car Center. The first step in the Voluntary Annexation process was to adopt a Resolution directing the City Clerk to investigate the sufficiency of the petition.

Council adopted the Resolution as presented.

Resolution 2014-36, Bk. 7, Pg. 144

ACCEPTANCE OF PUBLIC IMPROVEMENTS – TRACTS 1-3 HPS&R, INC.  
(HENDERSON DRIVE EXTENSION)

John L. Pierce submitted a request on behalf of HPS&R for acceptance of Henderson Drive Extension by the City. More specifically, acceptance of the roadway as well as the water and sewer mains located within the adjacent 30' foot easement. The City of Jacksonville Engineering staff observed the work performed and filed inspection reports verifying the work. A final inspection of the improvements was recently completed whereupon the improvements were found to be acceptable by City staff. City staff also acknowledged to the developer's representative in a September 12, 2014 letter that upon acceptance, the 18-month warranty period would be considered fulfilled. This acknowledgement was based on the fact that the infrastructure had been in existence and functioning since 2012. Accordingly, City staff now recommended acceptance of these improvements.

Council accepted the Public Improvements on Henderson Drive Extension.

AMENDMENT TO COUNCIL RULES OF PROCEDURE – ORDER OF BUSINESS

Earlier this year, Council endorsed the use of a paperless agenda process for their Council Meetings, and in August 2014 agreed to allow Staff to test a temporary change in the Order of Business as set forth by Council Rules of Procedure. The major change was to have “Approval of Consent Items” as a separate action on the agenda with the Approval of Consent Items taking place following the first “Public Comment” period. In addition, many cities and towns placed Approval of the Minutes on the Consent Agenda as a routine item for approval. Like all items on the Consent agenda, Council could remove the minutes for discussion or amendments.

Council approved the Amendment to Council Rules of Procedure as presented.

CITY COUNCIL 2015 REGULAR MEETING SCHEDULE

City Council Regular Meetings were set pursuant to City Code and Council’s adopted Rules of Procedures. The Code provided that when a Council Meeting fell on an election day or a legal holiday, the meeting was automatically held the following day. Any other changes to the Meeting Schedule required Council approval. Several changes were proposed. Once approved, the Annual Schedule of Regular Meetings for 2015 would be distributed to all media, City departments, included on the City’s website, and noted on the City calendar.

Council approved the Annual Schedule of Council Regular Meetings for 2015 as presented.

TAX RELEASES, REFUNDS, AND WRITE-OFFS OCTOBER 2014

The County/City Tax Collector and the City's Finance Director recommended releases, refunds, and write-offs of property taxes. The detailed list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) was available in the Finance Office for review. The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector totaled, respectively, \$48,668.23, \$8,534.58 and \$1.25 (\$57,204.06).

Council approved the tax releases, refunds and write-offs as presented.

JOHNSON BOULEVARD MEDIAN IMPROVEMENT PROJECT BUDGET  
AMENDMENT

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Bids received for the Johnson Boulevard Median Improvement Project (GF1407) were in excess of funds allocated by NCDOT. Therefore, additional funds were needed to complete the project. Unexpended funds were available in the New Bridge Streetscape project in an amount needed to fund the difference between the bid and funds allocated by NCDOT.

Council approved the Budget Amendment.

Ordinance 2014-44, Bk. 12, Pg. 306

### FY15 PUBLIC-PRIVATE PARTNERSHIPS PROPOSALS

Due to a reduction in funding of the Public-Private Partnership program, a limited opportunity for non-profit organizations to access funding for FY14-15 was provided. Included in the FY14-15 budget was \$50,000 in funding, a reduction of \$32,200 from prior years. As a result, using a bi-annual review process, consideration for funding was limited only to organizations that applied for and received public-private funding in FY13-14 and who complied with City requirements, policies or procedures. Additionally, \$30,000 in CDBG funds had been approved in the Community Development budget and were also made available to organizations that received CDBG funding in FY 11-12. Eligible organizations were asked to submit Letters of Intent advising of their desire to contract for the FY15 Public-Private Partnership. A total of 12 letters were received by the deadline.

Council accepted the recommendations and instructed staff to prepare the necessary contracts for funding.

### PUBLIC HEARINGS

#### UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT – ARTICLE 5: DEVELOPMENT STANDARDS, SECTION 5.1: OFF-STREET PARKING, LOADING, AND CIRCULATION

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Jeremy Smith, Senior Planner stated that Staff initiated a Unified Development Ordinance (UDO) text amendment that would address some recent concerns associated with the new off-street parking standards. This amendment proposed to adjust the minimum parking requirements for eating establishments and religious institutions and would increase the maximum number of parking spaces allowed. Currently the UDO required 1 parking space per 150 sq. ft. of restaurant space. Staff proposed to increase the requirement to 1 space per 100 sq. ft. after researching ordinances across the State from cities of similar size. This proposed standard was more suitable bringing Jacksonville in line with what was being done in our State. The proposed change for religious institutions was from 1 space for 75 sq. ft. to 1 space for 4 seats in the sanctuary and 1 space for 250 sq. ft. for all other building uses as was stated in the old ordinance. There was also a proposed change to maximum parking from 125% to 150% to give developments more flexibility. The Planning Board reviewed the proposed amendment and recommend approval.

Councilman Bittner asked if changing the requirements from the previous ordinance was to eliminate impervious surface. Mr. Smith stated the maximum cap was to get away from the

large asphalt parking lots. Currently if the 150% was allowed, a parking demand study would be required above 125%.

Mayor Phillips recessed the regular meeting at 7:33 PM and convened the public hearing.

John Pierce, 405 Johnson Blvd stated that under the existing ordinance there was insufficient parking. For a 1600 sq. ft restaurant, you could only have 14 spaces and that would be the number needed just for staff. He asked Council to approve the proposed modifications.

With no one else desiring to speak, Mayor Phillips closed the public hearing at 7:35 PM and reconvened the regular meeting.

A motion was made by Mayor Pro-Tem Lazzara, seconded by Councilman Warden, and unanimously adopted to approve the zoning text amendment as presented.

Ordinance 2014-45, Bk. 12, Pg. 307

UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT – ARTICLE 5:  
DEVELOPMENT STANDARDS, SECTION 5.2: LANDSCAPING STANDARDS

Jeremy Smith, Senior Planner stated that Staff initiated a Unified Development Ordinance (UDO) text amendment that would clarify standards for interior landscaping islands and provide additional flexibility for large canopy tree requirements when located within utility easements or under overhead lines. The change would allow for clarity of what had always been intended with each required landscaped island containing one large tree and five scrubs. The other portion of the amendment would allow for a 100% swap of large canopy trees for two understory trees when located within utility easements or under overhead lines. The Planning Board reviewed the proposed amendment and recommend approval.

Mayor Phillips recessed the regular meeting at 7:38 PM and convened the public hearing.

With no one desiring to speak, Mayor Phillips closed the public hearing at 7:39 PM and reconvened the regular meeting.

A motion was made by Councilman Warden, seconded by Councilman Thomas, and unanimously adopted to approve the zoning text amendment regarding landscaping as presented.

Ordinance 2014-46, Bk. 12, Pg. 312

MAP AMENDMENT – REZONING FROM RSF-7 TO CC – 202 & 204 SUNSET ROAD

Abigail Barman, Senior Planner stated that John L. Pierce & Associates on behalf of CDW Holdings, LLC submitted a rezoning request for 202 and 204 Sunset Road. The applicant requested the two parcels currently zoned Residential Single Family 7 (RSF-7) be rezoned Corridor Commercial (CC). If approved, the rezoning would allow the parcels which were

contiguous to parcels zoned CC to be used more broadly. Additionally, it would make the existing single family homes nonconforming.

Mayor Phillips asked if the surrounding property owners were notified. Ms. Barman stated they were notified by letter and there were also newspaper notifications. A few calls had been received asking about how CDW planned to develop the site. Staff knew it would be an expansion of the car dealership, but since no plans had been submitted, they did not know the layout.

Councilwoman Washington asked about the current zoning of the area. Ms. Barman stated that the future land use was low density residential and staff recommended it change to regional commercial if the rezoning was approved. The application was for general Corridor Commercial use with no conditions. Councilwoman Washington asked what the response was from the residential neighbors. Ms. Barman stated that some of the neighbors were concerned about the commercial intrusion, lighting and buffering.

Mayor Phillips recessed the regular meeting at 7:43 PM and convened the public hearing.

Susan Papenfuse, who lived directly across the street from the two subject parcels, stated that they owned two homes and three generations of family lived in these homes. They had lived there over 10 years. Sunset Acres was an established residential neighborhood that was family friendly and quiet. To change the subject parcels to commercial would have their homes facing a commercial property. She asked Council to consider what they would feel like if they walked out their front door to no longer to see neighbors, but to see a car parking lot and hear early morning deliveries. The whole neighborhood atmosphere would change immediately.

Matthew Papenfuse, 201 Sunset Road stated that his main concern had always been with the lot that already existed and the vehicles that came to be repaired. There were oil and gas deposits on the asphalt that always flowed into the ditch when it rained. His other concern was with the noise from loudspeakers and car test drives that occurred in their neighborhood from the dealerships surrounding them. If this amendment was passed, there would be no way of knowing what would be placed in that area including bright lights at night. Their bedroom windows faced the subject property.

John Pierce, 405 Johnson Blvd. spoke on behalf of CDW Holdings LLC and stated that the plan was to develop this area into employee parking. The property would also be subject to planting of a 30 foot buffer zone between the neighbors. The two driveways that were currently in place would be eliminated and the future driveway would be lined up with the existing

roadway. He felt this change would create less problems and it would also help increase the tax base.

Councilwoman Washington asked how many parking spaces were being considered for the employees. Mr. Pierce stated there were 80 employees, but not all worked at the same time. There would be about 40 to 50 cars parked in the lot at one time. Councilwoman Washington asked what would be the parking lot hours. Mr. Pierce stated he didn't know for sure, but it would probably be from 9:00 AM to 6:00 or 8:00 PM.

Councilman Thomas asked if there was a stormwater pond on the property or would this trigger a pond. Mr. Pierce stated there wasn't a pond and they would have to do sand filter treatment. There currently was an existing large drainage ditch between the properties.

Councilwoman Washington asked if the area was currently zoned as single family, what was the last neighborhood plan for this area and was Corridor Commercial ever part of the plan. Mr. Woodruff stated that a neighborhood plan had never been prepared for this area. When the Land Use Master Plan or CAMA Plan was done, all the developments in the community were reviewed. The plan reflected what the use was at that time. If rezoning took place, the CAMA Plan would also need to be changed.

Councilwoman Washington asked about density and Ryan King stated that in regard to the current standards, the only housing allowed in the commercial zone was multifamily and it would not be allowed in the first 350 feet from the street.

Councilman Bittner asked if the proposed parking lot was to be serviced by the existing roadway. Mr. Pierce said it would be connected to Sunset Drive, but there would be only one instead of two driveways onto Sunset.

Mr. Woodruff reminded Council that in the new UDO a conditional use rezoning category was added which would allow rezoning with specific conditions.

Mayor Phillips stated he believed there was a desire to try to find a workable compromise between the developer and neighborhood.

Mayor Pro-Tem Lazzara asked if there had been any meetings with the adjacent property owners to talk about the situation. Mr. Pierce stated he wasn't aware of any issues, so there had not been any meetings.

A motion was made by Councilman Bittner, seconded by Councilwoman Washington, and unanimously adopted to defer action on the item and recess the public hearing to the first meeting in January in order to allow staff time to work on a solution.

PUBLIC COMMENT

There was no one present desiring to speak at this public comment section.

REPORTS

CONGRATULATIONS

Councilman Thomas congratulated the new incoming Clerk of Court and County Sheriff who were sworn into office recently.

Councilwoman Washington congratulated the Mayor on receiving the Order of the Long Leaf Pine and to Councilman Warden on his five years of service. She also congratulated the County officials who were recently sworn into public office.

NATIONAL LEAGUE OF CITIES CONFERENCE

Councilwoman Washington stated that she and Councilman Willingham represented the City at the National League of Cities Congress of Cities meeting held in Austin, TX. The classes she attended dealt with human development policies and advocacies. Some of the resolutions put forth to Congress dealt with plans to end chronic homelessness, address the job crisis, improve educational outcome for disadvantaged students, support for the Centers for Disease Control and Prevention, address the violence among African-American males, respond to Ebola in the United States, and support of equal pay for women. It was a great conference and she thanked the City of Jacksonville for allowing her the opportunity to represent them.

Councilman Willingham stated that he also had the opportunity to attend the National League of Cities Conference in Austin, TX. One of the impressive events for him was the mobile tour that dealt with sustainable infrastructure. The City of Austin had very progressive ideas. One idea was even talked about in Jacksonville and dealt with centralized detention ponds downtown. Jacksonville ran into problems pursuing this concept, but Austin put their centralized ponds under the highways. They also had centralized chillers and sold the cool water to businesses. In their downtown redevelopment, properties on one side of the street were sold with RFPs so they knew what large business chains were going in. On the other side of the street, the City retained ownership and rented the properties to small businesses at a discount. They were also very progressive with transportation and had a shared biking system.

ENVIRONMENTAL AND APPEARANCE COMMITTEE – HOME DECORATION

Councilwoman Washington stated that the Environmental and Appearance Committee did very well with their Halloween home decoration contest, but did not have a lot of home decoration nominations for Thanksgiving. Nominations were being taken now for the upcoming

Christmas season. A few had been received and she encouraged individuals to send in applications for consideration.

#### LEAF COLLECTION

Mr. Woodruff stated that it was leaf season and he encouraged citizens to remember not to place their raked leaves in black plastic bags. They should be placed in paper bags for collection or in a container that could be dumped.

#### WINTERFEST

Mr. Woodruff stated that this weekend City Council would be hosting two major events for our citizens. The first was the Winterfest Arts and Crafts taking place at the Commons Recreation Center on Saturday and Sunday. On Saturday, Winterfest would be held at Riverwalk Park in downtown Jacksonville from 2 PM until dark followed by the lighting of the Christmas tree and the Rotary Club Flotilla. In addition to the snow sliding area at the park, this year there would be ice skating. These activities were free to the public.

#### ADJOURNMENT

A motion was made by Councilman Thomas, seconded by Councilwoman Washington, and unanimously adopted to adjourn the meeting at 8:22 PM.

## COUNCIL MINUTES

### SPECIAL WORKSHOP MEETING

December 9, 2014

A special workshop meeting of the City Council of the City of Jacksonville was held Tuesday, December 9, 2014 beginning at 5:30 PM at the Jacksonville Youth Center, 804 New Bridge Street. Present were: Mayor Sammy Phillips presiding; Mayor Pro-Tem Michael Lazzara and Council Members: Jerry Bittner, Randy Thomas, Bob Warden, Angelia Washington and Jerome Willingham. Also present were: Richard Woodruff, City Manager; Ronald Massey, Deputy City Manager; Gayle Maides, Finance Director; Glenn Hargett, Assistant Manager for Communications and Community Affairs; Wally Hansen, Public Services Director; Reggie Goodson, Planning and Development Services Director; Susan Baptist and Michael Liquori, Interim Recreation and Park Directors; Chris Koltyk, ITS Director; Michael Yaniero, Public Safety Director; Carmen Miracle, City Clerk; and John Carter, City Attorney.

The attendance list of Advisory Committee members participating is herein attached to these minutes as Exhibit "A."

\*A video recording of the Council Meeting is presently available for review on the City's website.

#### CALL TO ORDER

Mayor Sammy Phillips called the meeting to order at 5:32 PM.

#### ADOPTION OF AGENDA

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously approved to adopt the agenda as presented.

#### COMMUNITY SUMMIT WITH CITIZEN ADVISORY COMMITTEES

Mayor Phillips stated that the purpose of the meeting was to hear from the Advisory Committee members. The members were asked to deliberate as individuals since they were advisors representing the citizens of Jacksonville. He gave an overview of the meeting, issued challenges, and introduced the facilitators and support persons who would help each group with their discussions. From Coastal Carolina Community College, Mayor Phillips recognized Ann Shaw, Sharon McGinnis, Becky Collins, Mary Ann Herring, and Dr. Don Herring.

Ms. McGinnis told the Advisory Committee members that Council wanted their thoughts and advise on how the City could improve and focus on the future. Their perspective would be used to help guide the Mayor and Council. Each group was tasked to discuss the first question - what did they like about living in Jacksonville.

Mayor Phillips recessed the session at 5:36 PM for the Advisory Committee members to begin group discussions on the question – “What do you like about living in Jacksonville and what would you like to see changed?” Mayor Phillips reconvened the session at 6:09 PM.

A spokesperson for each of the four groups reported the responses gathered during each group’s brainstorming session, a copy of which is herein attached herein as Exhibit “B.” Following the reports, Ms. McGinnis stated the facilitators would refine the lists in order to combine items that were similar or repeated. Committee members were given three red and three green colored dots to vote on their greatest likes (green dots) and items that needed to be focused on for changes (red dots).

Mayor Phillips recessed the session at 6:32 PM for refreshments and for members to indicate their top three rankings using the dot voting methods. A list of the consolidated “likes” and “changes” from all four groups plus voting outcomes is herein attached as Exhibit “C.”

Following the voting, members were asked to regroup and discuss ideas on how the items with the most votes for change could be accomplished and for each group to determine the top three projects they would like to see the City focus on moving forward.

Mayor Phillips reconvened the session at 7:35 PM.

A spokesperson reported for each group on actions to move forward on the top items listed that need change. The group also reported their list of top three projects that Council should focus on going forward, a copy of which is herein attached as Exhibit “D.”

After the reports were completed, Mayor Phillips asked Council Members if they had any comments they would like to make.

Councilman Thomas stated Council appreciated all the involvement and willingness of the members to offer their time and contributions to the City.

Councilman Warden stated that one of the things that always impressed him was the willingness of the citizens of Jacksonville to get involved and the committee members

epitomized that involvement. It was good to hear other ideas and Council enjoyed talking with them.

Councilman Willingham thanked all the volunteers for what they did on a regular basis and for coming out tonight. He thought back to how he first got involved in City government with the Downtown Redevelopment Advisory Board which was now B.O.L.D. Some of the things that were thought about and put into the planning stage at that time were just now coming into fruition. Sometimes it took a long time for big projects, but Council appreciated their assistance with the ideas.

Councilman Bittner stated that the input the committee members provided was valuable input. It was interesting to note concerns about the infrastructure needs in the older communities. Too often that was forgotten in terms of the idea of bettering the City. We needed to take care of what we had to make sure it lasted into the future. He thanked the members for their input.

Mayor Phillips thanked everyone who was involved in this process and stated that as he walked around from table to table, he found that their eagerness and differing perspectives were very refreshing. He gave a special thanks to the individuals from Coastal Carolina Community College for facilitating this productive evening. The Advisory Committee members were asked to discuss these issues with their fellow members at their next meeting and consider what actions they could take to help cause effective passive change in the City. They were asked to get back with Council on their opinions. He left them with a thought advanced by Margaret Mead – “Never underestimate the power of small groups to get things done.”

#### ADJOURNMENT

A motion was made by Councilman Bittner, seconded by Councilman Willingham, and unanimously adopted to adjourn the meeting at 8:01 PM.

**EXHIBIT "A"**

**December 9, 2014 Advisory Committee Summit Attendance**

*Ordered by Name*

<b>First Name</b>	<b>Last Name</b>	<b>Position</b>	<b>Committee</b>	<b>12/9/2014</b>
Carmen	Aragona	Member	Water & Sewer Advisory Committee	P
Jill	Ayuso	Member	Water & Sewer Advisory Committee	P
John	Bryant	Member	Water & Sewer Advisory Committee	P
Albert	Burgess	Alternate ETJ Representative	Board of Adjustment	P
Patrick	Carroll	Member	Environmental & Appearance Advisory Committee	A
Bettye	Dawson	Leadership Dev Mmbr	Community Development Advisory Committee	P
James	Dorn	Member	Planning Advisory Board	Dual P
James	Dorn	Chairman	Water & Sewer Advisory Committee	Dual
Iris	Foreman	Member	Community Development Advisory Committee	P
Steven	Forney	Chairman	Community Development Advisory Committee	P
Marty	Goldman	Member	Board of Adjustment	P
Grace	Haubrich	Chairman	Environmental & Appearance Advisory Committee	A
Steve	Henkle	Chairman	Recreation & Parks Advisory Committee	A
Gary	Herbold	Chairman	Board of Adjustment	A
Sarah	Holden	Leadership Dev Mmbr	Environmental & Appearance Advisory Committee	A
William	Holland	Member	Water & Sewer Advisory Committee	P
Larry	Johnson	ETJ Representative	Board of Adjustment	P
Karin	Jones	Member	Environmental & Appearance Advisory Committee	A
Loren	Jones	Member	Recreation & Parks Advisory Committee	A
Paula	Jones	Member	Community Development Advisory Committee	P
Thomas	Kahl	Member	Water & Sewer Advisory Committee	P
Alfred	Keyes	Vice Chairman	Planning Advisory Board	P
Ossie	Keyes	Member	Environmental & Appearance Advisory Committee	P
Doug	Lesan	Member	Planning Advisory Board	A
Grover C.	Lewis, III	Member	Community Development Advisory Committee	Dual P
Grover C.	Lewis, III	Leadership Dev Mmbr	Planning Advisory Board	Dual
Gordon	Marshall	Vice Chairman	Community Development Advisory Committee	P
Thomasine	Moore	Member	Planning Advisory Board	P
Judith	Muqtasid	Member	Community Development Advisory Committee	P
Suzanne	Nelson	Member	Planning Advisory Board	Dual A
Suzanne	Nelson	Vice Chairman	Environmental & Appearance Advisory Committee	Dual
Thomas	Nicoll	Alternate City Representative	Board of Adjustment	Dual P
Thomas	Nicoll	Member	Water & Sewer Advisory Committee	Dual
Mindy	Peterson	Member	Environmental & Appearance Advisory Committee	A
Diana	Rashash	Member	Water & Sewer Advisory Committee	A
Lori	Ready-DiGiovanni	Member	Recreation & Parks Advisory Committee	Dual P
Lori	Ready-DiGiovanni	Member	Community Development Advisory Committee	Dual
William	Ross, III	Vice Chairman	Recreation & Parks Advisory Committee	P
Willie	Saunders	Member	Environmental & Appearance Advisory Committee	P
Betty	Schiefelbein	Member	Environmental & Appearance Advisory Committee	P
Linda	Smith	Member	Environmental & Appearance Advisory Committee	P
Homer	Spring	Chairperson	Planning Advisory Board	Dual P
Homer	Spring	Member	Recreation & Parks Advisory Committee	Dual
Gilbert	Stewart	Member	Board of Adjustment	P
David	Terry	Member	Water & Sewer Advisory Committee	P
James	Turner	Member	Water & Sewer Advisory Committee	P
Samantha	Turnley	Member	Recreation & Parks Advisory Committee	P
Theresa	VanderVere	Member	Planning Advisory Board	P
Genia	Webb	Member	Environmental & Appearance Advisory Committee	A
James	Wheeler	Member	Recreation & Parks Advisory Committee	P
Gloria	Whitney	Member	Community Development Advisory Committee	P
Danny	Williams	Member	Planning Advisory Board	P
Sunshine	Williams	Member	Environmental & Appearance Advisory Committee	A
Alex	Wood	ETJ Representative	Planning Advisory Board	A
Marcia	Wright	Member	Community Development Advisory Committee	P

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## EXHIBIT “B”

### DECEMBER 9, 2014 ADVISORY COMMITTEE SUMMIT

#### REPORT OF FEEDBACK RECEIVED ON THE FOLLOWING QUESTION:

“What do you like about living in Jacksonville and what would you like to see change?”

#### TABLE #1 REPORT

##### LIKE

- The way the Beautification Committee works on the City to keep it up
- That City staff and Council and Mayor are accessible, which makes people feel like they are a part of the City
- That the City is family friendly and is a place you feel at home
- Trails, Greenways and City Parks
- The efforts to enhance the beauty of the City
- That the City is environmentally friendly
- Access to education
- That people feel fairly safe in our City
- Like fishing but need more options
- That City Hall is customer friendly
- That City Hall wants input from the citizens and wants to involve citizens
- The Freedom Fountain – they think it is beautiful and they like what it symbolizes

##### CHANGE

- A City this size not having a public swimming pool is a shame
- Need more jobs to attract and keep youth here. Many have grown kids and they feel there is nothing for them here and also feel there could be more for youth
- Improve the sidewalks, handicapped ramps – they need to be standardized because a lot of older ones are not safe if you are in a wheelchair
- More cultural events such as music, theater and drama
- Abandoned vehicles in subdivisions
- Older residential streets starting to need upgrades
- Civic/Conference Center
- More youth involvement on the board and in decision-making
- Some had traffic complaints
- A public restroom needed at Riverwalk Park
- More industry and employment options
- Parking lot lighting is too dim (K-Mart) which makes people feel unsafe
- Noise level for homes near businesses (car lots when a salesman is called on loud speaker)
- Want a fishing pier at Phillips Park and more fishing access at all the Parks in the City that have access to water
- Want more canoe and kayak launches especially at Wilson Bay and Phillips Park)
- Emergency housing for homeless and families not sufficient

TABLE #2  
REPORT

LIKE

- The City is a great area for retirees; military appreciation and the military feels welcome
- That there is a very harmonious feel to the area
- Water access – love the access to rivers and the beaches and the coastal atmosphere
- That it is a “Little Big Town” with diversity; and you can get around town easily, there is a lot to do but still has a family type atmosphere, cost of living, and quick and easy to get to bigger cities like Raleigh if you need or want to
- Climate/Weather
- Family friendly atmosphere
- Lack of crime
- Schools K- CCCC
- A litany of recreational activities available plus hunting, fishing, ATVs shooting ranges, along with everything else the City has to offer

CHANGE

- Better control of housing and development; seems Business is gone to franchises, would like more unique options such as quaint restaurants such as old Fisherman’s Wharf, non franchises
- City WIFI
- Better traffic control
- Improve older infrastructure (Northwoods, Brynn Marr, etc) includes roads and especially power systems – the older parts of the City with power lines on poles instead of underground can be taken out by a single tree falling in a storm
- Preservation of history, have incentives for reuse of older buildings
- New cable provider options, currently only have one option
- Lower Taxes
- Expand opportunities for different types of business and industry to locate here
- Better relationship with County government
- Create an environment to encourage relocation of functions; i.e. Marine Corps Logistics from Albany to Jacksonville
- Better shopping options
- YMCA/YWCA, and more ADA friendly recreational opportunities
- Pool
- Joint venture of water park
- Sponsor a City event such as a major tournament that we are known for (example Boston Marathon)

TABLE #3  
REPORT

LIKE

- Cleanliness of the City
- Has a small community look and feel; not too big
- Communication between City and the folks who live here is very good
- Citizens participate and feel a part of government and feel their voices are heard
- Family oriented
- Zoning
- Community feel fostered with the military continues
- Bold steps made with public safety building and jail and bike route liked those facilities
- Fact the City leans on its history and building toward the future
- Liked it's a military town with facilities to support that
- Bond between Base and City, cooperation between City and the Base was big; and seems more military are electing to return here which says something about what the City is doing
- Diversity
- City services and Parks and Recreation
- Quality civic engagement via Committees and this meeting tonight
- G10 and enhancement of communications and transparency
- Responsiveness to citizens requests and problems
- Safety of the community
- Access to leadership
- Opportunity for growth and programs for all ages to participate

CHANGE

- Economic development and higher paying jobs
- Lack of facilities for large events, i.e. Civic/Convention Center
- No backup plan if the military reduces to a low level; what would the City do?
- Quicker repairs to streets and sidewalks
- Like to see a change in the expansion of the bike route
- Improve older developments; i.e. New River, Georgetown
- More recreation activities for adults and children
- YMCA/Pool
- More tourist draws; events
- Clean up blighted areas
- More leadership engagement in lower income communities
- Houses in the City that are eyesores; What can we do about those?
- Encourage businesses to spread out to other areas other than Western Blvd corridor
- More parking near the courthouse
- Protect names of youth offenders if that is not against NC law

TABLE #4  
REPORT

LIKE

- Low crime rate
- Diversity
- Small town feel
- Growth
- Convenience, it is easy to get around in most places
- Weather and climate
- Family friendly town
- Communities; a number of little communities within Jacksonville proper gives a sense of belonging to a small area within a bigger area
- Beautification; Jacksonville does a lot to make the town look pretty
- Citizen involvement and opportunities; i.e. Forums like this one
- The different Citizen Boards we have for citizen involvement
- Relationships within the City itself, with our elected representatives, and within the small communities
- Community support
- Opportunities for higher education; four or five universities and colleges that everybody can avail themselves of the opportunity
- Military

CHANGE

- Get manufacturing, maybe not heavy industry, but diverse and something other than service industries
- Continued infrastructure improvements, better roads, overhead lines, every time there is a good rain storm Brynn Marr floods
- Activities for children; kids don't have anything to do other than hang out at the mall
- Diverse industries would give opportunities for young people to stay in Jacksonville once they graduate or come back after college, no jobs for them now
- More moderately priced housing, housing is either way high or way down low
- Comprehensive transportation - got the bypass, but everything is concentrated on Western Blvd, which creates bad traffic situations especially at peak times
- Improve street connections, some roads (example Piney Green) if anything happens to hold up traffic you cannot get out, no other access or egress
- Cultural activities; i.e. plays, orchestras, drama

## EXHIBIT “C”

DECEMBER 9, 2014 ADVISORY COMMITTEE SUMMIT

### REPORT LIST OF “LIKES” AND “CHANGES” CONSOLIDATED FROM ALL GROUPS PRIORITIZED BY HIGHEST VOTES

#### LIKES / #VOTES

- Safety/Lack of Crime (15)
- Small Town Feel (15)
- Citizen Involvement with City (10)
- City-Military Relationship (9)
- Military Friendly (6)
- Trails and Bike Routes (6)
- Educational Opportunities (5)
- Recreation Sports Activities (5)
- Beautification (5)
- Diversity (5)
- Cost of Living (4)
- Family Friendly (4)
- Location/Climate (3)
- Freedom Fountain (3)
- Quality City Services (3)
- Zoning (3)
- Enhanced Communication G10 (1)
- Opportunity for Growth (1)
- Environmental Friendly (1)
- Cleanliness
- Tourism
- Leans on History, Builds on Future
- Transparency

## CHANGES/ #VOTES

- Improve Older Developments (Streets, Sidewalks, Power Lines) (15)
- Civic/Convention Center (15)
- Public Pool (11)
- Increased Industry and Manufacturers Jobs (10)
- Lower Taxes (9)
- More Piers on Water Access for Fishing (7)
- Increase Recreation YMCA YWCA (6)
- Quicker Street Repairs (5)
- Improve Infrastructure (5)
- Better Traffic Control (4)
- Better Control of Housing Development (4)
- More Parking Downtown (Courthouse) (4)
- Better Relations with County (4)
- Encourage Business Expansion to Other Areas (2)
- More Leadership Engagement in Lower Income Communities (1)
- Solicit Business to Support Urban Communities (1)
- Expand Trails and Bike Route (1)
- Protect Names of Youth Offenders
- Major City Event
- Increase Tourism Opportunities
- Preserve History
- City Wi Fi
- Cable Options
- Better Shopping

## EXHIBIT “D”

### DECEMBER 9, 2014 ADVISORY COMMITTEE SUMMIT REPORT FEEDBACK RECEIVED ON THE FOLLOWING QUESTIONS

1. “Considering the items that got the votes that should be changed, what actions could be taken to change them?”
2. “What are the three most important projects you think the Council should focus on?”

#### TABLE #1 - ACTIONS TO TAKE FOR CHANGE

##### Public Pool:

- Look at former businesses or places where a pool was located to see if it is possible to rebuild or renovate as a start. (Example – a location on Doris Ave that used to be pool site)
- Research other cities with a pool to see when and how they built a pool, if they built recently or past, take a look at how they did it.
- Research grants and funding sources since funding would be a key item, not only to build the pool but to maintain it once it is built.
- Place as a Council agenda item and ask Council to consider opening or building a pool.

##### Boat Access (Canoe / Kayak Launch):

- Look at City Parks that have water access to do that, but would look at existing facilities and see if it is practical, to put boat access for canoe and kayaks.

##### Fishing Piers at All City Parks:

- Research the environmental impact and wetlands to determine if it is practical.

##### Higher Paying Jobs (Not Service Industry):

- Team up with recruiters such as the Chamber and the Committee of 100 who have already been doing some work on this issue.
- Look at light manufacturing that would only need a simple building and employees who would only need minimal training; feel with the Base here, there is a lot of potential and good sources for skilled employees.

##### Activities for Children:

- Feel there are already a lot that is available for children in the City so first we need to identify those resources and then announce and publicize it to as many people as possible.
- Survey of children within the School system on what they would like to have which was the process used for the City skate park; and also survey parents, because they would have to get them to the activity/ facility.

#### TABLE #1 - THREE MOST IMPORTANT PROJECTS

1. Street Maintenance and Improvements and Infrastructure.
2. Recreation Water Activities – i.e. Pool, Canoe/Kayak Launches, Fishing.
3. Conference Center/Meeting Space/Civic Center.

## TABLE #2 - ACTIONS TO TAKE FOR CHANGE

### Civic Center:

- Identify parcels for a large enough site and have these set aside for future use.
- Refine/Define what is wanted – Civic Center - Convention Center - Resort Center – These are all different with a different focus and possibilities for tax base increases and employment opportunities.
- Identify the users and type of events and plan for a number of key events to ensure enough workload during the year to justify the effort to build it;
- Determine if it could be accomplished; and whether it should be a public/private venture or strictly private.
- Consider returns and investments: Ask the Questions: “Will it provide an increase in tax base? Will it increase employment? Will it increase quality of life? Are we willing for other projects/needs to take a back seat to accomplish this?”
- Identify the priorities, tasks, and focus for the project and then if this project was not thought to be as advantageous as something else Council was focused on, then this would not be taken on as a focus item.

### Improving Older Areas / Infrastructure of the City:

- The CIP already identifies infrastructure needs and projects that need to be taken care of; i.e. roads, sewer and water upgrades.
- Take a holistic approach to parts of the City that have been here for a long time with buildings and neighborhoods starting to deteriorate.

## TABLE #2 - THREE MOST IMPORTANT PROJECTS

1. Bringing Business in to Create Jobs: Heavy or light industry but should be broad and capable of giving people employment including retirees and youth.
2. Prioritize when where and how to modernize segments of the City; Long term plan for older development areas; identify areas for future zoning and whatever it takes to make it stay viable and last.
3. Keeping taxes as low as possible. Responsible effective spending and broadening the tax base.

### TABLE #3 - ACTIONS TO TAKE FOR CHANGE

#### Convention Center:

- Budget for it or issue bonds.
- Survey organizations and get tentative commitments.
- Consider existing buildings for feasibility; i.e. Old Farm Fresh on Bell Fork Road.
- Set up a Task Force/Steering Committee to gather different ideas to make it happen
- Tax incentives such as hotels to accommodate a civic center.
- ¼ cent sales tax increase similar to the ¼ cent sales tax set aside for the County Justice Complex and other County projects. “Why not the City?”

#### Higher Paying Jobs:

- Get out and solicit different companies and let them know why it would be a good idea to come to Jacksonville.
- Identify and attract industry.
- Market our family friendly environment.
- Educate and train our workforce to work in industry, utilize CCCC as a resource.
- Explore opportunities and template other areas as to what they are doing to get these businesses and organizations to come in and set up within their cities and towns.

#### Improve relationship between ONWASA and the City”

- Work together with ONWASA and the Base.

### TABLE #3 - THREE MOST IMPORTANT PROJECTS

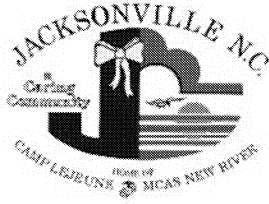
1. Convention Center
2. Improve Older Developments such as New River and Georgetown
3. Bring in Industry / Higher Paying Jobs

### TABLE #4 - ACTIONS TO TAKE FOR CHANGE

- More City and County collaboration
- Hire a professional Grant writer; not from within the City who has more expertise to find and explore grant opportunities for various projects within the City.
- More Public Private Partnerships
- Partnership with CCCC to provide skilled training for any jobs or any industry that would want to come here.
- Opportunity for the City to help subsidize but that would probably mean raising taxes.

### TABLE #4 - THREE MOST IMPORTANT PROJECTS

1. Bring in industry. Advanced technical jobs keying in on the Base, which is a large provider of troops but also, has equipment that must be maintained. An opportunity there to explore getting light industry here.
2. Maintain and improve the infrastructure. If you travel around the City and back roads you will notice little cracks and things beginning to show their wear and tear.
3. Civic Conference Center: The group felt strongly that we need something like that in our City.



# Request for City Council Action

**Consent  
Agenda  
Item:** **1**  
**Date:** 1/6/2015

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**Subject:** Voluntary Annexation Petition – The Harry C Brown Family LLC–  
17.26-Acres

**Department:** City Clerk's Office

**Presented by:** Carmen K. Miracle, City Clerk

**Presentation:** No

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## Issue Statement

At the December 2, 2014 meeting, Council adopted a Resolution directing staff to investigate the sufficiency of a voluntary annexation petition from John L. Pierce & Associates on behalf of The Harry C. Brown Family LLC for a 17.26-acre parcel that is contiguous to the current City limit boundaries.

The tract is located along U.S. Hwy 17 North near its intersection with Drummer Kellum Road and directly across from Stevenson Toyota. Development plans are eventually to locate from 2 to 7 commercial businesses on the site including a future 22,000 square foot Gerber Automotive Repair facility and an Enterprise Rental Car Center.

The City Clerk has conducted the required investigation and found as a fact that said petition is signed by all owners of real property lying in the area described. As provided in North Carolina General Statute 160A-31, a Resolution has been prepared scheduling a Public Hearing on this annexation for the February 3, 2015 Meeting.

## Financial Impact

Financial impacts will be presented with the Public Hearing agenda item.

## Action Needed

Consider the Resolution scheduling a Public Hearing

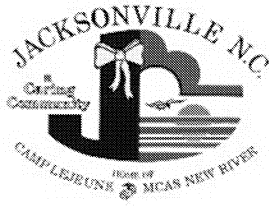
## Recommendation

Staff recommends Council adopt the Resolution as presented.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Certificate of Sufficiency
- B Proposed Resolution
- C Location Map



# Staff Report

## **Voluntary Annexation Petition**

The Harry C Brown Family LLC – 17.26 Acres

### **Introduction**

The area proposed for annexation is located within the City's Extra Territorial Jurisdiction (ETJ) and is contiguous to the current City limits.

On behalf of Harry Brown, John L. Pierce & Associates has submitted a voluntary annexation petition for a 17.26-acre parcel that is contiguous to the current City limit boundaries.

The tract is located along U.S. Hwy 17 North near its intersection with Drummer Kellum Road and directly across from Stevenson Toyota. Development plans are to eventually locate two to seven commercial businesses on the site including in the near future, a 22,000 square foot Gerber Automotive Repair facility and an Enterprise Rental Car Center.

### **Procedural History**

- December 2, 2014 – Council adopted a Resolution directing the City Clerk to investigate the sufficiency of the voluntary annexation petition.
- January 6, 2015 – Council receives certification of the petition and will consider a Resolution to schedule a Public Hearing.
- February 3, 2015 – Proposed Date to conduct a Public Hearing and for Council to consider adopting the Annexation Ordinance.
- February 3, 2015 – Proposed Effective Date of Annexation Ordinance.

### **Stakeholders**

- Harry C Brown Family LLC, Owner/Petitioner
- John Pierce & Associates – Surveyors/Developers
- Citizens of Jacksonville

### **Options**

Adopt the Resolution Scheduling the Public Hearing: **RECOMMENDED**

Pros: The site is contiguous to the current corporate limits and is proposed for commercial development.

Cons: None

Deny the Resolution Directing Staff Investigate the Sufficiency of the Petition –

Pros: None

Cons: This action would conflict with past actions associated with annexing contiguous property proposed for commercial development.

Defer Consideration – Should Council desire additional information, provide direction to staff on the specific information Council would like to receive.

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CERTIFICATE OF SUFFICIENCY

THE HARRY C BROWN FAMILY LLC  
17.26 ACRES

To: The City Council of the City of Jacksonville, North Carolina

I, Carmen K. Miracle, City Clerk, do hereby certify that I have investigated the petition attached hereto and have found as a fact that said petition is signed by all owners of real property lying in the area described therein, in accordance with G. S. 160A-31, as amended.

In witness whereof, I have hereunto set my hand and affixed the seal of the City of Jacksonville, this 3rd day of December 2014.

---

Carmen K. Miracle  
City Clerk

**Parcel I.D. 350-7**

Attachment

**A**

RESOLUTION (2015-)

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTION  
OF ANNEXATION PURSUANT TO G. S. 160A-31, AS AMENDED

THE HARRY C BROWN FAMILY LLC  
17.26 ACRES

WHEREAS, a petition requesting annexation of the area described herein has been received;  
and

WHEREAS, the City Council has by Resolution directed the City Clerk to investigate the  
sufficiency thereof; and

WHEREAS, certification by the City Clerk as to the sufficiency of said petition has been  
made;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Jacksonville,  
North Carolina:

Section 1. That a public hearing on the question of annexation of the area described herein  
will be held at City Hall at 7 o'clock, P.M. on the 3rd day of February, 2015.

Section 2. The area proposed for annexation is described as follows:

**THE HARRY C. BROWN FAMILY LLC  
17.26 ACRE TRACT/751,997.24 SQUARE FEET  
JACKSONVILLE TWP., ONSLOW COUNTY, NORTH CAROLINA**

Commencing at an existing N.C.G.S. monument entitled "Carter: and having N.C. Grid Values of North 383,649.5602 and Eastern values of 2,489,291.9119; thence leaving the said N.C.G.S. monument and running South 57 degrees 49 minutes 49 seconds West and having a grid distance of 1078.63 feet to an existing iron stake located along the Northwestern right of way of the Southbound lane of U.S. Highway 17 (right of way varies), said iron stake also being ***THE TRUE POINT OF BEGINNING:*** thence from the described beginning and running along the said right of way South 48 degrees 02 minutes 19 seconds West 261.74 feet to an existing iron pipe located along the edge of an approximate 6 foot ditch; thence leaving the said right of way and running along the said ditch line the following courses and distances: North 49 degrees 22 minutes 45 seconds West 544.01 feet to an existing iron pipe, thence South 48 degrees 54 minutes 27 seconds West 209.02 feet to an existing iron stake, thence North 48 degrees 28 minutes 59 seconds West 626.11 feet to an existing iron stake; thence leaving the said 6 foot ditch line and running along another ditch line the following courses and distances: North 09 degrees 46 minutes 42 seconds East 794.87 feet to an existing iron stake, thence South 34 degrees 26 minutes 02 seconds East 145.03 feet to an existing iron stake, thence North 52 degrees 40 minutes 10 seconds East 131.80 feet to an existing iron pipe, thence South 36 degrees 33 minutes 34 seconds East 200.20 feet to an existing iron pipe, thence South 36 degrees 37 minutes 55 seconds East 100.06 feet to an existing iron stake, thence south 36 degrees 00 minutes 39 seconds East 96.32 feet to an existing iron pipe, thence South 36 degrees 34 minutes 20 seconds East 303.29 feet to an existing iron pipe, thence South 36 degrees 56 minutes 09 seconds East 99.96 feet to an existing iron pipe, thence South 36 degrees 43 minutes 22 seconds East 99.89 feet to existing iron pipe, thence South 35 degrees 42 minutes 51 seconds East

Attachment

**B**

50.16 feet to an existing iron pipe, thence South 35 degrees 49 minutes 14 seconds East 50.53 feet to an existing iron pipe, thence South 36 degrees 40 minutes 57 seconds East 99.77 feet to an existing iron pipe, thence South 39 degrees 11 minutes 55 seconds East 191.38 feet to an existing iron pipe, thence South 39 degrees 08 minutes 05 seconds East 216.40 feet to the point and place of beginning. Containing 17.26 acres/751,997.24 square feet and being a portion of the property described in Deed Book 4096 Page 844 and being the property described in Map Book 67 Page 156 of the Onslow County Registry. The courses contained herein are correct in angular relationship and are referenced to N.C. Grid North (NAD 83).

Section 3. Notice of said public hearing shall be published in the Daily News, a newspaper having general circulation in the City of Jacksonville, at least ten (10) days prior to the date of said public hearing.

Adopted by the Jacksonville City Council in regular session this 6th day of January, 2015.

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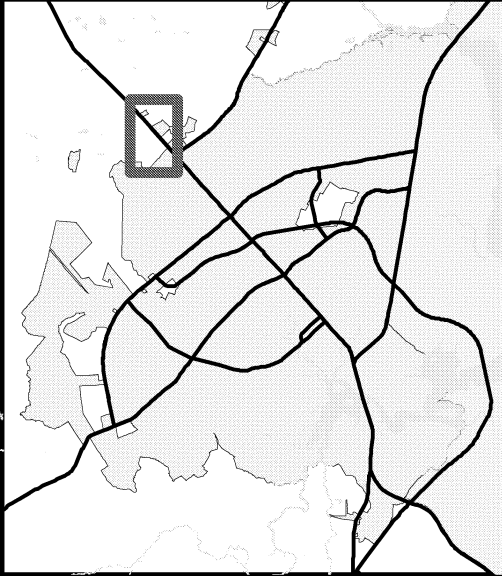
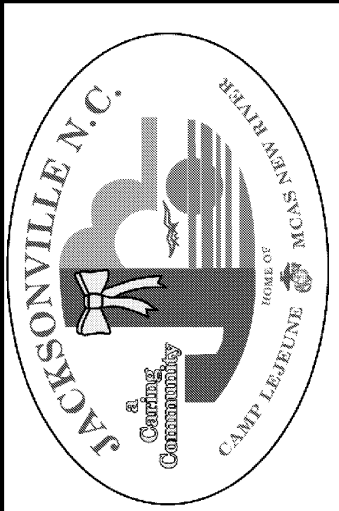
Sammy Phillips, Mayor

ATTEST:

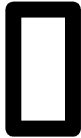
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Carmen K. Miracle, City Clerk

# Annexation - The Harry C Brown Family LLC



## Legend



Annexation Site



Parcels



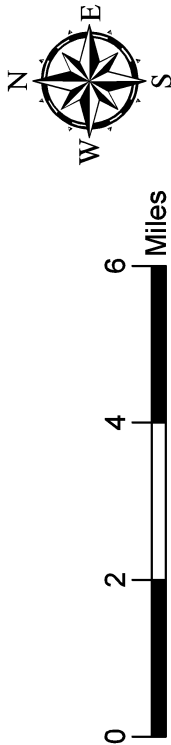
City Limits

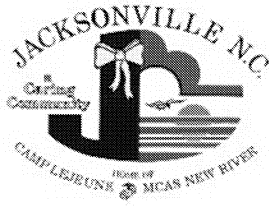
Attachment

C



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.





# Request for City Council Action

Consent  
Agenda  
Item: **2**  
Date: 1/6/2015

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**Subject:** Tax Releases, Refunds, and Write-Offs November 2014

**Department:** Finance

**Presented by:** Gayle Maides, Finance Director

**Presentation:** No

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## Issue Statement

The County/City Tax Collector and the City's Finance Director recommend releases, refunds, and write-offs of property taxes as attached. The detail list of these tax releases and refunds (that is, the listing by property name, amount, reason, etc.) is available in the Finance Office for review.

## Financial Impact

The tax releases, refunds, and write-offs as recommended by the City/County Tax Collector total, respectively, \$4,920.09, \$7,659.94 and \$0.45 (\$12,580.48).

## Action Needed`

Review the tax releases, refunds and write-offs.

## Recommendation

Staff recommends that Council approve the tax releases, refunds and write-offs.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

A Tax Releases, Refunds, and Write-offs



# Staff Report

Consent  
Agenda  
Item:

2

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## Tax Releases, Refunds, and Write-Offs November 2014

### Introduction

The Tax Releases, Refunds and Write-Offs as recommended by the City/County Tax Collector total, respectively, \$4,920.09, \$7,659.94 and \$0.45 (\$12,580.48).

Most of the Releases and Refunds are due to:

- 1) Clerical and/or addition errors on the Onslow County Abstracts,
- 2) Double charges for the same property,
- 3) Property erroneously listed as in this City,
- 4) Senior citizens exemptions,
- 5) Military non-resident.

Write-offs are due to:

- 1) A bill that is \$3.00 or less
- 2) An over or underpayment of \$1.00 or less.

Other releases and refunds just have notations indicating that interest only is being released and there will be no corresponding reference explanation. The County's computer system automatically accrues interest on the first day of the month. There will be times when the County received payment on the day before or even on the same day that the account has accrued the interest. The County will adjust their accounts to remove the interest that was automatically charged in lieu of having accounts with balances usually less than \$1.00.

The listing of proposed releases, refunds and write-offs as submitted by the Tax Collector, are in conformity with the law. Based upon this information as provided, which is believed to be true and accurate, I recommend your approval of these tax releases, refunds, and write-offs.



**TAX RELEASE SUMMARY**
**NOVEMBER 2014**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2014	101-0000-111-0000	0.005380	3,113.78	162.02	3,275.80	578,769.52
2013	101-0000-111-1000	0.005380	888.69	5.57	894.26	165,184.01
2012	101-0000-111-1000	0.005380	355.32	5.11	360.43	66,044.61
2011	101-0000-111-1000	0.006260	178.89	5.38	184.27	28,576.68
2010	101-0000-111-1000	0.006260	-	-	-	-
2009	101-0000-111-1000	0.006260	-	-	-	-
2008	101-0000-111-1000	0.005316	55.84	-	55.84	10,504.14
2007	101-0000-111-1000	0.005900	149.49	-	149.49	25,337.29
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	-	-	-	-
TOTAL			4,742.01	178.08	4,920.09	874,416.25

101-0000-111-1000	04-13	1,644.29
101-0000-111-0000	2014	3,275.80

**TAX REFUND SUMMARY**  
AD VALOREM TAXES

**NOVEMBER 2014**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2014	101-0000-311-0000	0.005380	-	-	-	-	-
2013	101-0000-311-0000	0.005380	682.13	-	20.26	702.39	126,789.96
2012	101-5000-412-2000	0.005380	1,979.53	-	8.59	1,988.12	367,942.38
2011	101-5000-412-2000	0.005380	1,219.02	-	0.49	1,219.51	226,583.64
2010	101-5000-412-2000	0.006260	839.27	-	2.54	841.81	134,068.69
2009	101-5000-412-2000	0.006260	72.27	-	1.75	74.02	11,544.73
2008	101-5000-412-2000	0.006260	-	-	-	-	-
2007	101-5000-412-2000	0.005316	-	-	-	-	-
2006	101-5000-412-2000	0.005900	-	-	-	-	-
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-

<b>TOTAL</b>	<b>4,792.22</b>	<b>-</b>	<b>33.63</b>	<b>4,825.85</b>	<b>866,929.40</b>
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101-5000-412-2000	04-13	4,825.85
101-0000-311-0000	2014	-
		<u>4,825.85</u>

**TAX REFUND SUMMARY****NOVEMBER 2014**

TAX TAG TOGETHER

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	INT.	TOTAL REFUND	TAX VALUE
2014	101-0000-311-0000	0.005380	528.62	-	7.57	536.19	98,256.51
2013	101-0000-311-0000	0.005380	2,274.31	-	23.59	2,297.90	422,734.20
2012	101-5000-412-2000	0.005380	-	-	-	-	-
2011	101-5000-412-2000	0.005380	-	-	-	-	-
2010	101-5000-412-2000	0.006260	-	-	-	-	-
2009	101-5000-412-2000	0.006260	-	-	-	-	-
2008	101-5000-412-2000	0.006260	-	-	-	-	-
2007	101-5000-412-2000	0.005316	-	-	-	-	-
2006	101-5000-412-2000	0.005900	-	-	-	-	-
2005	101-5000-412-2000	0.005900	-	-	-	-	-
2004	101-5000-412-2000	0.005900	-	-	-	-	-

<b>TOTAL</b>	<b>2,802.93</b>	<b>-</b>	<b>31.16</b>	<b>2,834.09</b>	<b>520,990.71</b>
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101-5000-412-2000	04-13	2,297.90
101-0000-311-0100	2014	536.19
		<u>2,834.09</u>

**TAX WRITE-OFF SUMMARY**

**November-14**

YEAR	CODE	TAX RATE	PRINCIPAL	LATE LIST	TOTAL	TAX VALUE
2014	101-0000-111-0000	0.005380	0.10	-	0.10	18.59
2013	101-0000-111-1000	0.005380	-	-	-	-
2012	101-0000-111-1000	0.005380	-	-	-	-
2011	101-0000-111-1000	0.006260	-	-	-	-
2010	101-0000-111-1000	0.006260	-	-	-	-
2009	101-0000-111-1000	0.006260	-	-	-	-
2008	101-0000-111-1000	0.005316	-	-	-	-
2007	101-0000-111-1000	0.005900	-	-	-	-
2006	101-0000-111-1000	0.005900	-	-	-	-
2005	101-0000-111-1000	0.005900	-	-	-	-
2004	101-0000-111-1000	0.005900	0.35	-	0.35	59.32
TOTAL			0.45	-	0.45	77.91
101-0000-111-1000			'2004-2013		0.35	
101-0000-111-0000			2014		0.10	



# Request for City Council Action

**Consent**  
**Agenda**  
**Item:**  
**Date:** 1/6/2015

**3**

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**Subject:** Memorandums of Understanding for Use of Jacksonville Police Shooting Range Facility  
**Department:** Legal/Public Safety  
**Presented by:** Michael Yaniero, Public Safety Director  
**Presentation:** No

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## Issue Statement

These Memorandums of Understanding (MOUs) establish permissions and guidelines for the use of the Jacksonville Police Shooting Range Facility by two separate entities: Homeland Security Solutions, Inc. (HSSI) and Coastal Carolina Community College (CCCC). The agreements provide a benefit to public safety by allowing other law enforcement agencies to utilize the facility for the training of their officers.

## Financial Impact

The MOU with HSSI requires the payment of \$2,000 annually which will be used to offset some of the annual operating costs of the range.

## Action Needed

Consider Memorandums of Understanding

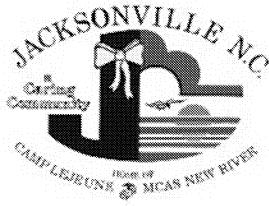
## Recommendation

Staff recommends Council authorize the City Manager to execute the Memorandums of Understanding as presented.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Memorandum of Understanding with Homeland Security Solutions
- B Memorandum of Understanding with Coastal Carolina Community College



# Staff Report

**Consent  
Agenda  
Item: 3**

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## **Memorandums of Understanding for Use of Jacksonville Police Shooting Range Facility**

### **Introduction**

The Jacksonville Police Shooting Range facility, located at 110 Stillwood Road, is owned by the City of Jacksonville. It was built and is maintained and staffed to provide officers of the Jacksonville Police Department with the best possible firearms training.

The City and Police Department have an opportunity to improve public safety by permitting the safe and appropriate use of the Jacksonville Police Shooting Range Facility by other law enforcement agencies. A number of outside law enforcement agencies use the range through the college to include Onslow County Sheriff's Office, NC State Highway Patrol, Richlands Police Department and the NC SBI.

HSSI, Inc. is a contractor here at Camp Lejeune who has been hired by the USMC to train law enforcement for the Department of Defense and Military Police. These MOUs allows HSSI to utilize the facility for the training of their officers and CCCC for the training of their Basic Law Enforcement Training (BLET) students.

Through the MOU, HSSI agrees to an annual fee of \$2,000 for use of the range and allows for physical modification requests to include maintenance, upkeep and improvements. In addition, the MOU is deemed invalid in the event that the Borrowing Agency's contractual agreement with Camp Lejeune be terminated.

### **Procedural History**

- October 2014 – Staff develops MOUs for use of the Range Facility.
- January 6, 2015- Council considers MOUs.

### **Stakeholders**

- The Citizens of the City of Jacksonville
- Coastal Carolina Community College
- Homeland Security Solutions, Inc.
- BLET students
- Other law enforcement agencies
- Citizens in other communities

## **Options**

Authorize the City Manager to sign the MOUs, which allows Homeland Security Solutions and Coastal Carolina Community College to utilize the Jacksonville Police Shooting Range Facility. **(RECOMMENDED)**

- Pros: Public safety in other communities by allowing law enforcement officers from other agencies to receive their firearms training at our facility
- Cons: None

Deny staff request to sign the MOU.

- Pros: None
- Cons: The City would lose the opportunity improve public safety in other communities and assist in the practical education of BLET students.

# **MEMORANDUM OF UNDERSTANDING FOR THE USE OF THE JACKSONVILLE POLICE SHOOTING RANGE FACILITY**

This Memorandum of Understanding (MOU) is made by and between Homeland Security Solutions, Inc., (hereinafter referred to as "Borrowing Agency"), and the Jacksonville Police Department, a department of the City of Jacksonville, a North Carolina municipal corporation, (hereinafter referred to as "Jacksonville").

## **I. PURPOSE**

The purpose of this MOU is to set forth the terms and conditions under which Jacksonville will permit the Borrowing Agency the safe and appropriate use of the Jacksonville Police Shooting Range Facility (herein referred to as "Range Facility").

The facility, located at 110 Stillwood Road, Jacksonville, North Carolina owned by the City of Jacksonville, is a training facility built, maintained and staffed to provide officers of the Jacksonville Police Department with the best possible firearms training.

It is beneficial to public safety to allow other law enforcement agencies to utilize the facility for the training of their officers.

## **II. SCOPE OF AGREEMENT**

This agreement applies to the use of the Range Facility by the Borrow Agency utilizing the City of Jacksonville and Jacksonville Police Department standards. This MOU defines key parameters, including:

- Defining the use of the facility
- Responsibility for use of the Range Facility by Borrowing Agency
- Responsible parties in each institution
- Establishes a mechanism for modifying, extending, or terminating the MOU

## **III. TERMS OF AGREEMENT**

### **A. Specific Requirements**

#### **1. The Borrowing Agency shall:**

- a. Designate a Range Safety Officer that will remain on site throughout the period the Range Facility is in use by the Borrowing Agency. The name of the agency's Range Safety Officer will be provided to the Jacksonville Police Department's Training & Standards Division. The Range Safety Officer must be approved by the City, and will attend any required training or refresher training as specified by the Jacksonville Police Department Training Division.
- b. Designate a Tactical Medic that will remain on site throughout the period that the facility is in use. The agency may designate a certified emergency personnel staff member to serve as Tactical Medic. The name of the agency's Tactical

Medic shall be provided to the Jacksonville Police Department's Range Master, who will report this information to the Jacksonville Police Department's Training Division.

- c. Provide a Certified Firearms Instructor that will remain on site throughout the period that the Range Facility is in use. A list and credentials shall be filed with the Range Master prior to use of the facility.

Further, the Borrowing Agency agrees that use of the Range Facility's "A" Range is prohibited, and not authorized within the scope of this agreement.

The Borrowing Agency agrees that this MOU is for Range Facility's "B" Range only, which is outfitted with non turning targets, and requires that the agency provide a Certified Firearms Instructor from any source.

- d. Provide a valid Certificate of Insurance with the following required limits:
  - i. \$1,000,000 Single Limit/\$2,000,000 General Aggregate for the General Liability coverage. The City of Jacksonville must be listed as an additional insured for this coverage.
  - ii. Workers Compensation Insurance as the levels required by North Carolina General Statute.
  - iii. The COI must be provided to the City of Jacksonville, Finance Department, Contract Specialist no less than 24 hours in advance of the period that the Borrowing Agency is scheduled to utilize the Range Facility.
  - iv. The COI must reference this MOU in the "Description of Operations" section.
- e. Coordinate the dates and hours of use of the Range Facility through the Jacksonville Police Department's Training Division. The Jacksonville Chief of Police reserves the right to deny, cancel or reschedule use of the range based on the needs of the Jacksonville Police Department.
- f. Agree to follow and enforce Chapter 17, Section 17.23 of the Jacksonville Police Department's Operations Manual, which has been attached as an addendum to this MOU.
- g. Understands that Jacksonville will not furnish any targets, target backing, equipment, or supplies to the Borrowing Agency
- h. Agrees to leave the Range Facility in a clean and orderly condition after use
- i. Agrees to follow the directives of the City of Jacksonville or Jacksonville Police Department with regard to access, egress and parking.
- j. Agrees that the use of the classroom building is not included in this MOU.

#### **IV. FINANCIAL TERMS AND PAYMENT**

Borrowing Agency shall pay Jacksonville \$2,000.00 annually for operating expenses associated with their use of the Range Facility, payable by invoice no later than November 1, 2014 each year.

#### **V. MODIFICATION REQUESTS**

Requests for physical modifications to the Range Facility shall be issued in writing by the Borrowing Agency and negotiated through the Public Services Director and City Management. Only approved physical modifications will be added to the Range Facility. All modifications, once completed, shall belong exclusively to the City of Jacksonville, North Carolina.

Borrowing Agency is not authorized to attach or remove items to the Range Facility without prior written authorization from the City.

#### **VI. TERMINATION**

Both Jacksonville and Borrowing Agency retain the right to terminate this MOU at any time, with thirty (30) days written notice to the other party, for any reason. Any material breach of this MOU shall be grounds for immediate termination without thirty (30) days written notice to the other party. This MOU is deemed invalid in the event that the Borrowing Agency's contractual agreement with Camp Lejeune be terminated.

#### **VII. CONTACTS:**

##### **BORROWING AGENCY**

Attn: Homeland Security Solutions, Inc.  
Richard B. Neville, COO  
3130 A NASA Drive  
Hampton, VA 23666

##### **CITY OF JACKSONVILLE**

Attn: Jacksonville Police Department  
Mike Yaniero, Chief of Police  
P.O. Drawer 436  
Jacksonville, NC 28541

#### **VIII. EFFECTIVE DATE/DURATION/AMENDMENTS**

This MOU becomes effective upon the date of the last approving signature, and shall remain in effect for five (5) years, expiring on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, or until it is cancelled in accordance with this Termination section of this MOU. This MOU may be amended to allow for related cooperative efforts by mutual agreement of the parties.

**The remainder of this page left blank intentionally.**

**VIIII. ACCEPTANCE BY:**

**BORROWING AGENCY – HOMELAND SECURITY SOLUTIONS, INC.**

By: \_\_\_\_\_  
Director (Date)

**CITY OF JACKSONVILLE – JACKSONVILLE POLICE**

By: \_\_\_\_\_  
Chief of Police (Date)

**CITY OF JACKSONVILLE – CITY MANAGER**

By: \_\_\_\_\_  
City Manager (Date)

**The remainder of this page left blank intentionally.**

## **ADDENDUM TO MEMORANDUM OF UNDERSTANDING FOR THE USE OF THE JACKSONVILLE POLICE SHOOTING RANGE FACILITY**

### **Jacksonville Police Department Operations Manual Chapter 17 – Training, Section 17.23 Police Department Range**

A. Due to the accident potential involved with the handling of loaded firearms, this policy strictly prohibits and the Department will not tolerate horseplay or unprofessional conduct at the police range. The senior officer present is responsible for compliance with this policy. Any person engaged in inappropriate behavior will be immediately dismissed from the range.

The following are examples of inappropriate behavior:

1. Shoving, pushing, or physical roughhousing
2. Shouting, using profanity or other offensive language
3. Handling a firearm in a manner deemed dangerous or inappropriate by the range safety officer. This will include pointing a firearm up-range, at another person, engaging in "quick-draw" practice or any other act that consists of disregarding the rules of safe firearms conduct.

B. Before leaving the range, each officer will pick up all shell casings (wearing protective gloves) as well as trash at their individual shooting stations. The senior officer will perform an inspection of the range to ensure cleanliness before dismissing the officers from the range.

1. Each officer will strip the used target surface from the backing and dispose of it properly.
2. Officers will ensure that their weapons are in a state of operational readiness before leaving the range.

C. The range will fall under the overall control of the Training Director. During qualifications and practice sessions there will be at least one (1) range officer for every five (5) people firing on the range. The Training Director or Firearms Instructor will appoint the range safety officers. The range safety officers will enforce the provisions of this policy as well as all department and state regulations regarding firearms handling and safety.

D. Only persons properly equipped may use the range facilities. Proper equipment consists of clean, well-maintained firearms in good working order. The range safety officer must approve all weapons fired at the range before use. Shooters at the range must use appropriate ammunition. This policy defines appropriate ammunition as that suitable for use in the weapons and approved by the range safety officer. Appropriate leather gear, holsters and other accessories will be used. Shooters will wear adequate eye and ear protection when on or near the firing line. Only targets approved by the Police Department will be allowed. This policy prohibits shooting of cans, bottles, etc.

E. Persons using the range will wear appropriate attire. Appropriate attire will consist of:

1. Pants that reach to the ankle
2. Short or long sleeve shirts
3. Shoes that cover the entire foot

The following is not appropriate dress for the range:

1. Shorts
2. Tank tops
3. Sandals
4. Any item with obscene or otherwise offensive writing or drawings

F. The officer in charge of the range will dismiss any person from the range for violating the provisions of this policy. Range safety officers will submit in writing all violations to the Training Director. The range safety officer will immediately notify the Chief of Police of a serious violation. In the case of minor infractions, the Training Director will bring the matter to the attention of the offender's immediate supervisor. An example of a minor infraction would be a violation of dress code. In the case of more serious violations, the Training Director will thoroughly investigate each incident and submit a report to the Chief of Police.

A more serious infraction would be any conduct that compromises personal safety.

G. Range Master - The Range Master falls under the direction of the Training Director. All outside agencies must schedule their training through the Range Master. Keys for the range are maintained by the Range Master, (for outside agencies) and the Training Director, (for JPD personnel).

The Range Master is responsible for the following:

1. Scheduling range use for other agencies
2. Maintenance of the Range
3. Participant adherence to all rules and regulations of the facility.
4. Has the authority to remove persons from the facility for unauthorized admittance and or policy violations.

## **CERTIFICATE OF CITY'S ATTORNEY**

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached MOU for the Jacksonville Police Shooting Range Facility between the City of Jacksonville and Homeland Security Solutions, Inc. and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## **APPROVAL BY CITY FINANCE OFFICER**

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Account #: 101.0000.383.51-00

Contract Amount: \$2,000.00 by November 1<sup>st</sup> each year

**MEMORANDUM OF AGREEMENT BETWEEN COASTAL CAROLINA  
COMMUNITY COLLEGE AND THE CITY OF JACKSONVILLE FOR THE USE OF  
THE CITY OF JACKSONVILLE'S POLICE DEPARTMENT FIREARMS  
TRAINING FACILITY AND THE TRAINING CENTER**

This Memorandum of Agreement (hereinafter called "MOA") is between Coastal Carolina Community College (hereinafter called "CCCC") and the City of Jacksonville (hereinafter called "CITY") on the \_\_\_\_\_ day of December, 2014 regarding the use of the City of Jacksonville's Police Department Firearms Training Facility and Training Center (hereinafter called "Facility") for purposes of law enforcement training and the parties agree to the following terms:

1. **CONSIDERATION:**

CCCC agrees that the use of the Facility is for CCCC's benefit, and the betterment of the students and agencies affiliated with CCCC who will be accessing the Facility. The parties agree that there is actual and sufficient consideration due to the mutual promises contained herein and the grant of permission to use the Facility.

2. **FACILITY DEFINITION:**

All references in this agreement and release to the Facility shall be inclusive of all property owned by the CITY at the Facility located at 201 Stillwood Road, Jacksonville, North Carolina including the firing range, shoot house, and training facility. The Training Center is located at 13 Ruth Street. It is agreed and acknowledged that the target system is not the property of the CITY, but rather the property of CCCC.

3. **RANGE SAFETY OFFICER:**

During utilization of the facility, CCCC is required to have at least one (either a Jacksonville Police Department employee (JPD), or the Requesting Agency) Jacksonville Police Department trained Range Safety Officer (hereinafter called "JPD Range Safety Officer") present to oversee activities and to act as the Range Officer in Charge. Unless there is at least one properly trained JPD Range Safety Officer present, the Facility may not be operated. CCCC agrees that the JPD Range Safety Officer will be in charge and that all representatives and participants will obey all rules and regulations of the Facility as well as all commands issued by the JPD Range Safety Officer in addition to any policies, rules, or regulations that the CCCC has concerning firearm possession, use, and training.

4. **INDIVIDUAL AGREEMENT AND RELEASE:**

Every person authorized to use the Facility under this MOA, agrees to first sign an individual release, indemnity, and covenant not to sue the CITY, as well as an attached document detailing the rules and regulations of the Facility, and agrees

to follow all such rules and regulations. This form will be valid for the duration of the calendar year and must be completed annually. A copy of the "Assumption of Risk/Waiver of Claims" form is attached hereto as Exhibit 1.

5. **AMMUNITION, FIREARMS, EQUIPMENT and SUPPLIES:**

CCCC agrees to furnish all ammunition, firearms, equipment, and supplies to be used by CCCC at the Facility. CCCC agrees to allow only those firearms, ammunition and equipment at the Facility that are approved by the JPD Range Safety Officer. CCCC accepts sole responsibility and indemnifies the CITY and its agents and employees for the use of non-conforming ammunition, firearms and/or equipment by any of CCCC members.

6. **REQUESTING AGENCY INSTRUCTORS:**

CCCC agrees to provide a sufficient number of qualified Range Safety Officers and Certified Firearms Instructors to oversee live fire activities at the Facility in accordance with state recommendations which presently call for six (6) students to one (1) instructor. CCCC understands that those Range Safety Officers and Instructors will be subordinate in authority to Jacksonville Police Department policies and to the JPD Range Safety Officer on issues pertaining to the Facility and its use.

7. **INSURANCE:**

CCCC shall carry, or cause the students and agencies affiliated with CCCC who will be accessing the Facility, to carry, adequate medical/accident insurance to cover any injuries or damage sustained or caused by its students, employees, or agents during the utilization of the Facility under this contract at the following limits:

1. **General Liability** - \$1,000,000 Each Occurrence and a \$2,000,000 Aggregate
2. **Workers Compensation** – Must meet the requirements of North Carolina State Statute.

CCCC agrees to furnish, or have furnished to the CITY, proof of compliance with the insurance coverage requirements of this MOA at the time agreement is signed by CCCC. CCCC, upon request by the CITY, shall furnish a certificate of insurance from an insurance company licensed to do business in the State of North Carolina verifying the existence of any insurance coverage required. The certificate will provide for sixty (60) days advance written notice in the event of termination or cancellation of coverage.

8. **GENERAL RELEASE:**

To ensure that each instructor and the students and agencies affiliated with CCCC who will be accessing the Facility, have executed the required "**Waiver of Liability, Release, and Hold Harmless Agreement**" form, a copy of which is attached hereto as Exhibit 1. CCCC shall deliver to the Jacksonville Police

Department staff the original forms executed by each student and agency affiliated with CCCC who will be accessing the Facility, prior to their use of the Facility. The failure of CCCC to obtain and deliver a release form from each student and agency affiliated with CCCC that will utilize the Facility shall be deemed a material breach of this MOA and shall result in the immediate termination of this MOA and CCCC's privilege of using the Facility.

9. **ASSIGNMENT AND THIRD PARTIES:**

CCCC agrees not to assign any portion of this MOA to any other party or agent. The CITY requires a separate agreement for each agency using the Facility and any invitee brought upon the Facility area by the CCCC or trespasser allowed to be present by CCCC is the sole responsibility of CCCC and CCCC indemnifies the CITY, it's agents and employees for any subsequent injury, death or harm suffered by such invitee or trespasser. CCCC agrees to assist the CITY in keeping all third parties from the Facility area during its use.

10. **RANGE AVAILABILITY:**

CCCC agrees that the Facility may be unavailable due to weather, maintenance, or other unforeseen emergencies or circumstances. CCCC agrees that the CITY shall not be liable in any way due to the unavailability (on a temporary or permanent basis) of the Facility.

11. **RANGE CONDITION:**

CCCC agrees to clean the Facility upon the conclusion of each day's training to include rubbish and range items (cardboard, staples, brass cartridges, ammunition boxes, etc.) and to leave the Facility in the same state it was in when training began, to exclude fair wear and tear. Any fixture items broken, damaged or destroyed by CCCC during use shall be replaced by CCCC or payment shall be made by CCCC to the CITY for fair market value. CCCC shall notify the JPD Range Safety Officer of any noted deficiencies at the Facility as soon as possible. CCCC agrees that no training shall take place if any dangerous or harmful defect is noted.

12. **PYROTECHNICS AND EXPLOSIVES:**

CCCC agrees to not use any pyrotechnic or explosive devices of any kind (explosive breaching, flash bang grenades, tear gas, burning smoke grenades, trip flares, etc.) unless prior approval is obtained from the CITY.

13. **LENGTH OF MOA:**

This agreement and release shall remain in effect, and shall automatically renew, on a year-to-year basis, unless written notification is made by March 31<sup>st</sup> for termination as of June 30<sup>th</sup> of that year.

14. **ENTIRE AGREEMENT:**

The parties agree that this agreement represents the entire contract between the parties and that all negotiations, understandings, and agreements of the parties are contained herein.

15. **SEVERABILITY:**

Should any provision of this agreement be declared invalid, void, or unenforceable, such provision shall be deemed omitted and this agreement, with provision omitted, shall remain in effect.

**COASTAL CAROLINA COMMUNITY COLLEGE**

\_\_\_\_\_  
Ronald K. Lingle, President  
444 Western Boulevard  
Jacksonville, NC 28546

\_\_\_\_\_  
Date

**CITY OF JACKSONVILLE**

\_\_\_\_\_  
Richard L. Woodruff, City Manager  
815 New Bridge Street  
PO Box 128  
Jacksonville, NC 28541

\_\_\_\_\_  
Date

### **CERTIFICATE OF CITY'S ATTORNEY**

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached MOA for the City of Jacksonville's Police Department Firearms Training Facility and Training Center between the City of Jacksonville and Coastal Carolina Community College and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### **APPROVAL BY CITY FINANCE OFFICER**

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Account # **N/A**

Dollar amount of contract **N/A**

## **EXHIBIT 1**

### **City of Jacksonville, NC Police Department Firearms Training Facility and Training Center**

#### **Waiver of Liability, Release, and Hold Harmless Agreement**

Event/Activity Name: \_\_\_\_\_

Event/Activity Location: \_\_\_\_\_

This **Waiver of Liability, Release, and Hold Harmless Agreement** is entered into from \_\_\_\_\_, 20\_\_ to \_\_\_\_\_, 20\_\_ by the City of Jacksonville, NC (hereinafter called "CITY") and, \_\_\_\_\_, (hereinafter called "Applicant").

In consideration for being granted permission by the CITY for the above described special event/activity taking place on property owned by the CITY, the undersigned Applicant indemnifies and holds harmless the CITY, its employees, representatives and agents against all claims, liabilities, losses, or damage for personal injury and/or property damage or any other damage whatsoever due to the event/activity described above and/or deviation from normal CITY regulations in the area. The applicant further agrees to indemnify and hold harmless the CITY, its officials, agents, employees, representatives, contractors, or subcontractors, or their employees (hereinafter referred to collectively as "City") from any and all claims or demands of any kind and from all liability, penalties, costs, losses, damages, expenses, claims, or judgments (including attorney fees) resulting from injury, death, or damage arising out of or in any way connected directly or indirectly to the event/activity described above, whether caused by the CITY active or passive negligence or otherwise.

I, the Applicant, am fully aware of the unusual risks involved and hazards connected with areas of the City of Jacksonville's Firearms Training Facility and Training Center (hereinafter called "Facility") and HEREBY ASSUME FULL RESPONSIBILITY FOR ANY RISKS OF LOSS, PROPERTY DAMAGE OR PERSONAL INJURY, DISABILITY, INCLUDING DEATH, that may be sustained by me or anyone involved with this event, WHETHER CAUSED BY THE NEGLIGENCE OF THE CITY OR OTHERWISE.

I, the Applicant, further agree to indemnify and hold harmless the City against any loss, death, or damage to person or property and against all claims, demands, fines, suits, actions, proceedings, orders, decrees, and judgments of any kind or nature and from and against any and all court costs and expenses including attorney fees which at any time may be suffered or sustained by the Applicant or by any person who may, at any time, be using or occupying or visiting the above referenced property or be in, on or

about the same, when such loss, injury, death, or damage shall be caused by or in any way result from or rising out of any act, omission, or negligence of any of the undersigned or any occupant, visitor, or user of any portion of the premises or shall result from or be caused by any other matters or things whether the same kind as or of a different kind that matters or things above set forth. As such, I am aware that I should review my personal/company/ insurance portfolio.

I, the Applicant, agree to comply with all the rules, regulations, ordinances, terms and conditions established and published by the CITY.

Expressly acknowledge that the permission granted hereunder is freely revocable by the CITY of and in view of such fact, the undersigned assumes the risk of making any expenditure in connection with this permission, even if such expenditures are substantial. Without limiting any indemnification obligations of the Applicant or other waivers contained in this permission and as a material part of the consideration for this permission. I fully RELEASE, WAIVE, AND DISCHARGE forever any and all claims, demands, rights, and causes of action against, and covenants not to sue the CITY, its departments, officials employees, and all persons acting by, through or under each of them, under any present or future laws, statutes, or regulations, including, but not limited to, any claim for inverse condemnation or payment of just compensation under the law of eminent domain, or otherwise at equity, in the event the CITY exercises their rights to revoke or terminate this permission.

I further agree if I am found to have violated this Agreement or any rules of the CITY as they have been explained to me, I understand that I will not be allowed to use the Facility and may be subject to having all future privileges removed without appeal.

**THE UNDERSIGNED APPLICANT HAS READ AND FULLY UNDERSTANDS THIS DOCUMENT, INCLUDING THE FACT IT IS RELEASING AND WAIVING CERTAIN POTENTIAL RIGHTS, AND VOLUNTARILY AGREES TO THE TERMS AND CONDITIONS AS SET FORTH HEREIN.**

Name of Applicant (Print): \_\_\_\_\_

Signature of Applicant: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Contact Phone Number(s): \_\_\_\_\_  
\_\_\_\_\_

**Approved By:**

\_\_\_\_\_  
Mike Yaniero, Chief of Police  
206 Marine Boulevard  
PO Drawer 436  
Jacksonville, NC 28541

\_\_\_\_\_  
Date

Conditions Imposed: \_\_\_\_\_



## Request for City Council Action

**Consent  
Agenda  
Item:**

**4**

**Date:** 1/6/2015

---

**Subject:** General Budget Amendment

**Department:** Finance

**Presented by:** Gayle Maides, Finance Director

**Presentation:** No

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### Issue Statement

Several departments submitted budget amendment requests since the last legislative budget amendment. The details of the adjustments are shown in the staff report.

### Financial Impact

Reduces appropriated General Fund Balance by \$23,400.

### Action Needed

Consider the Budget Amendment

### Recommendation

Staff recommends Council approve the Budget Amendment

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Proposed Budget Amendment



# Staff Report

Consent  
Agenda  
Item:

4

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## General Budget Amendment

**Purchase of appliances for NW Station** - This amendment seeks to transfer installment purchase revenue from Police Fire Facility (GF0601) to Renovation of NW Station (GF1008) to cover purchase of appliances in the amount of \$100,000.

**Transfer funds for ONWASA payment** - Transfer funds from Piney Green Rd Sewer with ONWASA (SF1108) to Water and Sewer Fund to pay Availability Charge per Interlocal Cooperative Agreement for Piney Green Trunk Line in the amount of \$227,491.

**Revenue Appropriations** - This amendment seeks to appropriate revenues received over budget in the funds and projects listed below:

**General Fund** - appropriate \$10,000 donation from River of Life Church to be used towards Recreation expenditures.

**Entitlement 2012 (CD1201)** - appropriate projected program revenues necessary to fund programs, payrolls and related benefits.

**Solid Waste Fund** – appropriate insurance recovery of \$104,967 to pay off the truck and appropriate the financing of \$228,256 for the replacement vehicle.

**Project Closeouts** - This amendment seeks to closeout the following completed projects. Balances remaining within the projects will be transferred back to the original funding source.

**Continuum of Care (CD0602)** - \$23,400

**Miscellaneous** - This budget amendment seeks to:

Change funding in Median Improvement Western (GF1502) and transfer General Capital Reserve Funds from New Bridge Streetscape Project (GF1203) to Median Improvement Western (GF1502) in the amount of \$25,000.

Reduce programmed budget from NCDOT for transportation planning in PL-104 Planning Grant in the amount of \$3,295.

## Stakeholders

- The Citizens of the City of Jacksonville
- The City of Jacksonville

## **Options**

**Option 1:** Approve the budget amendment. **STAFF RECOMMENDED**

**Pros:** Revenues will be appropriated and accurately adjusted, necessary transfers will be made and funds will be provided for current City initiatives.

**Cons:** None

**Option 2:** Do not approve the budget amendment.

**Pros:** None

**Cons:** Revenues will not be reflected accurately and projects and initiatives will not have sufficient funding for execution.

ORDINANCE (2015-)

AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina that the following amendment to the Fiscal Year 2015 General Fund, Water and Sewer Fund, Capital Reserve Fund, Special Revenue Fund and Capital Project budgets are hereby enacted:

**GENERAL FUND**

REVENUES	BUDGET	CHANGE	TOTAL
MISCELLANEOUS REVENUE - CONTRIBUTIONS	-	10,000	10,000
PL-104 GRANT REVENUE	222,129	(3,295)	218,834
TRANSFER FROM SPECIAL REVENUE PROJECT	-	23,400	23,400
APPROPRIATED FUND BALANCE	2,630,861	(23,400)	2,607,461
TOTAL ADJUSTMENTS		6,705	
TOTAL FUND REVENUES	47,243,046	6,705	47,249,751

EXPENDITURES	BUDGET	CHANGE	TOTAL
RECREATION EXPENDITURES	5,064,263	10,000	5,074,263
PL-104 EXPENDITURES	379,295	(3,295)	376,000
TOTAL ADJUSTMENTS		6,705	
TOTAL FUND EXPENDITURES	47,243,046	6,705	47,249,751

*To appropriate donation in the amount of \$10,000 from River of Life Church. To transfer project balance of Continuum of Care (CD0602) to General Fund and close project. To reduce PL-104 funding.*

**NEW BRIDGE STREETSCAPE (GF1203)**

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	90,300	(25,000)	65,300
TRANSFER TO GENERAL CAPITAL RESERVE FUND	36,700	25,000	61,700
TOTAL ADJUSTMENTS		-	
TOTAL PROJECT EXPENDITURES	127,000	-	127,000

**GENERAL CAPITAL RESERVE FUND (GF7099)**

REVENUES	BUDGET	CHANGE	TOTAL
TRANSFER IN FROM CAPITAL PROJECT	2,887,797	25,000	2,912,797
TOTAL ADJUSTMENTS		25,000	
TOTAL PROJECT REVENUES	36,755,932	25,000	36,780,932

EXPENDITURES	BUDGET	CHANGE	TOTAL
TRANSFER TO CAPITAL PROJECT	-	25,000	25,000
TOTAL ADJUSTMENTS		25,000	
TOTAL PROJECT EXPENDITURES	36,755,932	25,000	36,780,932

Attachment

**A**

**MEDIAN IMPROVEMENT WSTRN (GF1502)**

REVENUES	BUDGET	CHANGE	TOTAL
TRANSFER IN FROM GENERAL CAPITAL RESERVE FUND	-	25,000	25,000
GRANT FUNDING	50,000	(50,000)	-
TOTAL ADJUSTMENTS		(25,000)	
TOTAL PROJECT REVENUES	50,000	(25,000)	25,000

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	50,000	(25,000)	25,000
TOTAL ADJUSTMENTS		(25,000)	
TOTAL PROJECT EXPENDITURES	50,000	(25,000)	25,000

*To transfer General Capital Reserve Funds from New Bridge Streetscape Project (GF1203) to Median Improvement Western (GF1502) to pay NCDOT.*

**POLICE FIRE FACILITY (GF0601)**

REVENUE	BUDGET	CHANGE	TOTAL
INSTALLMENT PURCHASE REVENUE	1,024,455	(100,000)	924,455
TOTAL ADJUSTMENTS		(100,000)	
TOTAL PROJECT REVENUE	32,090,735	(100,000)	31,990,735

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	30,760,557	(100,000)	30,660,557
TOTAL ADJUSTMENTS		(100,000)	
TOTAL PROJECT EXPENDITURES	32,090,735	(100,000)	31,990,735

**RENOVATION OF NW STATION (GF1008)**

REVENUES	BUDGET	CHANGE	TOTAL
INSTALLMENT PURCHASE REVENUE	80,000	100,000	180,000
TOTAL ADJUSTMENTS		100,000	
TOTAL PROJECT REVENUES	3,191,000	100,000	3,291,000

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	3,098,000	100,000	3,198,000
TOTAL ADJUSTMENTS		100,000	
TOTAL PROJECT EXPENDITURES	3,191,000	100,000	3,291,000

*To transfer installment purchase revenue from Police Fire Facility (GF0601) to Renovation of NW Station (GF1008) to cover purchase of furnishings.*

**CONTINUUM OF CARE (CD0602)**

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	25,100	(23,400)	1,700
TRANSFER TO GENERAL FUND	-	23,400	23,400
TOTAL ADJUSTMENTS		-	
TOTAL PROJECT EXPENDITURES	25,100	-	25,100

*To transfer project balance of Continuum of Care (CD0602) to General Fund and close project.*

**ENTITLEMENT 2012 (CD1201)**

REVENUE	BUDGET	CHANGE	TOTAL
PROJECT REVENUE	649,244	139,430	788,674
TOTAL ADJUSTMENTS		139,430	
TOTAL PROGRAM REVENUE	649,244	139,430	788,674

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	649,244	139,430	788,674
TOTAL ADJUSTMENTS		139,430	
TOTAL PROJECT EXPENDITURES	649,244	139,430	788,674

*To appropriate projected revenues to provide necessary funding for programs, payrolls and related benefits.*

**PINEY GREEN RD SEWER WITH ONWASA (SF1108)**

EXPENDITURES	BUDGET	CHANGE	TOTAL
PROJECT EXPENDITURES	4,108,500	(227,491)	3,881,009
TRANSFER TO MAJOR ENTERPRISE FUND	-	227,491	227,491
TOTAL ADJUSTMENTS		-	
TOTAL PROJECT EXPENDITURES	4,108,500	-	4,108,500

**WATER SEWER FUND**

REVENUES	BUDGET	CHANGE	TOTAL
TRANSFER FROM CAPITAL PROJECTS	345,608	227,491	573,099
TOTAL ADJUSTMENTS		227,491	
TOTAL FUND REVENUES	28,533,357	227,491	28,760,848

EXPENDITURES	BUDGET	CHANGE	TOTAL
NON-DEPARTMENTAL EXPENDITURES	14,574,823	113,745	14,688,568
ENGINEERING EXPENDITURES	2,627,851	113,746	2,741,597
TOTAL ADJUSTMENTS		227,491	
TOTAL FUND EXPENDITURES	28,533,357	227,491	28,760,848

*To transfer funds from PG Rd Sewer with ONWASA (SF1108) to Water and Sewer Fund in order to pay Availability Charge per Interlocal Cooperative Agreement for Piney Green Trunk Line.*

**SOLID WASTE FUND**

REVENUES	BUDGET	CHANGE	TOTAL
INSURANCE CLAIM	-	104,967	104,967
INSTALLMENT FINANCING	-	228,256	228,256
TOTAL ADJUSTMENTS		333,223	
TOTAL FUND REVENUES	6,209,571	333,223	6,542,794

EXPENDITURES	BUDGET	CHANGE	TOTAL
COMMERCIAL COLLECTIONS	943,336	333,223	1,276,559
TOTAL ADJUSTMENTS		333,223	
TOTAL FUND EXPENDITURES	6,209,571	333,223	6,542,794

*To appropriate insurance recovery for Commercial Collection Vehicle and appropriate the financing for a replacement vehicle.*

This ordinance shall be effective upon its adoption.

ADOPTED by the Jacksonville City Council in regular session this 6th day of January 2015.

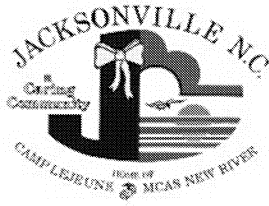
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Sammy Phillips, Mayor

ATTEST:

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Carmen K. Miracle, City Clerk



# Request for City Council Action

**Consent  
Agenda  
Item:** **5**  
**Date:** 1/6/2015

---

**Subject:** Resolution Requesting Termination of PARTF Grant for Convenience

**Department:** Recreation & Parks

**Presented by:** Michael Liquori & Susan Baptist

**Presentation:** No

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## Issue Statement

The City of Jacksonville was awarded a \$490,000 PARTF Grant for the renovation of Phillips Park in February 2013. Due to unforeseen challenges related to project site conditions, staff is recommending that Council vote to terminate the grant contract.

## Financial Impact

The grant amount of \$490,000 will not be received and the City will retain the \$500,000 in matching funds.

## Action Needed

Consider Public Comments, if any

Consider the Resolution requesting termination of the PARTF Grant for convenience.

## Recommendation

Staff recommends Council approve the Resolution requesting the termination of the PARTF Grant.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Resolution Authorizing Request for Termination

RESOLUTION (2015-)

A RESOLUTION AUTHORIZING CITY OF JACKSONVILLE TO REQUEST  
TERMINATION/WITHDRAWAL OF NORTH CAROLINA PARKS AND RECREATION  
TRUST FUND GRANT

WHEREAS, the City of Jacksonville applied for and received a grant in 2013 from the North Carolina Parks and Recreation Trust Fund (PARTF) to assist with Phillips Park in the amount of \$490,000; and

WHEREAS, the City of Jacksonville and the Department of Environment and Natural Resources entered into a contract (DENR Contract #5136) to complete the PARTF project within a three year period.

WHEREAS, the City of Jacksonville has decided not to go forward with the PARTF project, and

WHEREAS, the City of Jacksonville has informed the public through a public meeting on 1/6/15 which provided an opportunity for public comment about the proposed action to request withdrawal of the PARTF grant award.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF JACKSONVILLE NC requests that the Department of Environment and Natural Resources withdraw the PARTF grant award and terminate the contract (DENR Contract #5136); and City of Jacksonville shall absorb all current, past and future expenses incurred with the project and will absolve the Department of Environment and Natural Resources of any past or future liability from the project.

Adopted by the Jacksonville City Council in regular session this 6th day of January, 2015.

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Sammy Phillips, Mayor

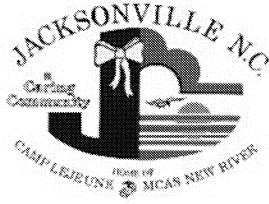
ATTEST:

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Carmen Miracle, City Clerk

Attachment

**A**



# Request for City Council Action

Consent  
Agenda  
Item: **6**  
Date: 1/6/2015

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**Subject:** Amendment to Adopted FY2015 Fee Schedule

**Department:** Recreation & Parks

**Presented by:** Susan Baptist

**Presentation:** No

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## Issue Statement

The Recreation and Parks department is currently responsible for the reservation and rental of department operated facilities, which include recreation centers and park shelters. Staff is requesting to add the Jacksonville Youth Council Youth Center located at 804 New Bridge Street to the list of facilities reserved for public use. Proposed fee would be as follows:

2 hour rental-Non Profit w/no money collected	\$60
2 hour rental-Non Profit w/money collected	\$80
2 hour rental-Commercial	\$100

\*Same rate will apply for each additional 2 hours

## Financial Impact

The financial impact would result in the additional revenues.

## Action Needed

Approve addition of the Jacksonville Youth Council Youth Center to the Recreation & Parks fee schedule.

## Recommendation

Staff recommends Council approve the Fee Schedule Amendment.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A Fee Schedule Amendment

## Fee Schedule Amendment

### Recreation Fees

#### Non Profit/Community Event (w/NO money Collected)

Facility		Hourly Increment	Fee
<b>Jack Amyette</b>			
	Gymnasium	2 hours	\$50
		4 hours	\$100
		8 hours	\$175
	Room	2 hours	\$40
		4 hours	\$80
		8 hours	\$140
	Entire Building	2 hours	\$60
		4 hours	\$120
		8 hours	\$210
<b>Jacksonville Commons Recreation Center</b>			
	Gymnasium	2 hours	\$100
		4 hours	\$200
		8 hours	\$350
	Room	2 hours	\$40
		4 hours	\$80
		8 hours	\$140
	Entire Building	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
<b>Jacksonville Commons Senior Center</b>			
	Community Room	2 hours	\$30
		4 hours	\$60
		8 hours	\$105
	Choate Room	2 hours	\$60
		4 hours	\$120
		8 hours	\$210
	Entire Building	2 hours	\$80
		4 hours	\$160
		8 hours	\$280
<b>Kerr St or Northwoods Recreation Centers</b>			
	Community Room	2 hours	\$40
		4 hours	\$80
		8 hours	\$140
<b>Jacksonville Youth Council Youth Center</b>			
	Entire Building	2 hours	\$60*
<b>* Same rate will apply for each additional 2 hours</b>			

Attachment

**A**

**Non Profit/Community  
(w/money collection)**

<b>Facility</b>		<b>Hourly Increment</b>	<b>Fee</b>
<b>Jack Amyette</b>			
	Gymnasium	2 hours	\$100
		4 hours	\$200
		8 hours	\$350
	Room	2 hours	\$80
		4 hours	\$160
		8 hours	\$280
	Entire Building	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
<b>Jacksonville Commons Recreation Center</b>			
	Gymnasium	2 hours	\$200
		4 hours	\$400
		8 hours	\$700
	Room	2 hours	\$100
		4 hours	\$200
		8 hours	\$350
	Entire Building	2 hours	\$240
		4 hours	\$480
		8 hours	\$840
<b>Jacksonville Commons Senior Center</b>			
	Community Room	2 hours	\$60
		4 hours	\$120
		8 hours	\$210
	Choate Room	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
	Entire Building	2 hours	\$200
		4 hours	\$400
		8 hours	\$700
<b>Kerr St or Northwoods Recreation Centers</b>			
	Community Room	2 hours	\$80
		4 hours	\$160
		8 hours	\$280
<b>Jacksonville Youth Council Youth Center</b>			
	Entire Building	2 hours	\$80*
<b>* Same rate will apply for each additional 2 hours</b>			

### Commercial Event(s)

Facility		Hourly Increment	Fee
<b>Jack Amyette</b>			
	Gymnasium	2 hours	\$150
		4 hours	\$300
		8 hours	\$525
	Room	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
	Entire Building	2 hours	\$180
		4 hours	\$360
		8 hours	\$630
<b>Jacksonville Commons Recreation Center</b>			
	Gymnasium	2 hours	\$300
		4 hours	\$600
		8 hours	\$1050
	Room	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
	Entire Building	2 hours	\$360
		4 hours	\$720
		8 hours	\$1,260
<b>Jacksonville Commons Senior Center</b>			
	Community Room	2 hours	\$90
		4 hours	\$180
		8 hours	\$315
	Choate Room	2 hours	\$180
		4 hours	\$360
		8 hours	\$630
	Entire Building	2 hours	\$240
		4 hours	\$480
		8 hours	\$840
<b>Kerr St or Northwoods Recreation Centers</b>			
	Community Room	2 hours	\$120
		4 hours	\$240
		8 hours	\$420
<b>Jacksonville Youth Council Youth Center</b>			
	Entire Building	2 hours	<b>\$100*</b>
<b>* Same rate will apply for each additional 2 hours</b>			



# Request for City Council Action

**Consent  
Agenda  
Item:** **7**  
**Date:** 1/6/2015

---

**Subject:** NCDOT Agreement for Median Improvements Phase I- Johnson Boulevard

**Department:** Public Services, Engineering

**Presented by:** Deanna Young, Capital Projects Administrator

**Presentation:** No

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## Issue Statement

To promote the Clean & Green concept in our downtown area, staff has been working with NCDOT to plan, design and fund landscaping enhancements that compliment existing community investments along Johnson Boulevard. This project will rehabilitate a large deteriorated, monolithic concrete island near Hargett Street, replacing the existing concrete with decorative landscaping that is consistent in appearance with the Freedom Fountain.

Bids were received in the Median Improvements Phase I - Johnson Boulevard Project in late December. Staff has requested an extension to the completion date to allow additional time for the landscaping to be installed in warmer months. The attached Supplemental Agreement extends the completion date to April 20, 2015.

## Financial Impact

None

## Action Needed

Consideration of the NCDOT Supplemental Agreement

## Recommendation

Staff recommends that Council approve the Supplemental Agreement and authorize the City Manager or his representative to sign the Agreement as presented.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A NCDOT Supplemental Agreement

NORTH CAROLINA  
ONSLOW COUNTY

**SUPPLEMENTAL AGREEMENT**

DATE: 12/12/2014

NORTH CAROLINA DEPARTMENT OF  
TRANSPORTATION

AND

WBS ELEMENTS: 43425

CITY OF JACKSONVILLE

THIS AGREEMENT is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the "Department", and the City of Jacksonville, hereinafter referred to as the "Municipality."

**WITNESSETH:**

WHEREAS, the Department and the Municipality on 11/14/2013, entered into a certain Project Agreement for the original scope: Remove & replace existing concrete island located on NC 24 Business near the intersection with SR 1403 (Country Club Road), programmed under WBS Element 43425; and,

WHEREAS, the Municipality has requested additional time to complete the Project;

NOW THEREFORE, the parties wish to supplement the aforementioned Agreement whereby the following provisions are amended:

**RESPONSIBILITIES**

**TIME FRAME**


The Municipality shall complete the Project by April 30, 2015.

Agreement ID # 5424

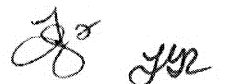
1

Attachment

**A**

Handwritten signatures and initials in the bottom right corner of the page.

Except as hereinabove provided, the Agreement heretofore executed by the North Carolina Department of Transportation and City of Jacksonville on 11/14/2013, is ratified and affirmed as therein provided.

Handwritten signatures in black ink, appearing to be initials or names, located in the bottom right corner of the page.

IN WITNESS WHEREOF, this Agreement has been executed, in duplicate, the day and year heretofore set out, on the part of the Department and the Municipality by authority duly given.

L.S. ATTEST:

CITY OF JACKSONVILLE

BY: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

NCGS 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.

Approved by \_\_\_\_\_ (Governing Board) of the City of Jacksonville as attested to by the signature of \_\_\_\_\_, Clerk of the

\_\_\_\_\_ (Governing Board) on \_\_\_\_\_ (Date)

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

(SEAL)

\_\_\_\_\_  
(FINANCE OFFICER)

Federal Tax Identification Number

\_\_\_\_\_  
Remittance Address:

\_\_\_\_\_  
City of Jacksonville

\_\_\_\_\_  
DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

(CHIEF ENGINEER)

DATE: \_\_\_\_\_

APPROVED BY BOARD OF TRANSPORTATION ITEM O: \_\_\_\_\_ (Date)

Agreement ID # 5424

3

## **CERTIFICATE OF CITY'S ATTORNEY**

I, the undersigned, John T. Carter Jr., the duly authorized and acting legal representative of THE CITY OF JACKSONVILLE, NORTH CAROLINA, do hereby certify as follows:

I have examined the attached \_\_\_\_\_ between the City of Jacksonville and \_\_\_\_\_ and the manner of execution thereof, and I am of the opinion that each of the aforesaid agreements has been duly executed by the proper parties thereto acting through their duly authorized representatives; that said representatives have full power and authority to execute said agreements on behalf of the respective parties named thereon; and that the foregoing agreements constitute valid and legal binding obligations upon the parties executing the same in accordance with terms, conditions, and provisions thereof.

\_\_\_\_\_  
John T. Carter, Jr., City Attorney

\_\_\_\_\_  
Date

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# Request for City Council Action

**Consent  
Agenda  
Item: 8**  
Date: 1/6/2015

---

**Subject:** Acceptance of Public Improvements - St. James Park, Section III, of Williamsburg Plantation  
**Department:** Public Services/Engineering  
**Presented by:** S. Michael Moore, Construction Specialist  
**Presentation:** No

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## Issue Statement

The Engineering Division Staff have personally observed the construction performed, approved the construction, and filed inspection reports recommending the acceptance of St. James Park, Section III, of Williamsburg Plantation.

The improvements include water mains; sewer mains; fire hydrants; roads; curb and gutter; sidewalks; and the portion of storm drainage system that drains City streets. Upon acceptance of these improvements, an 18-month warranty period will begin for all infrastructure with the exception of sidewalks.

## Financial Impact

The financial impact has not been assessed at this time

## Action Needed

To accept public improvements at this time

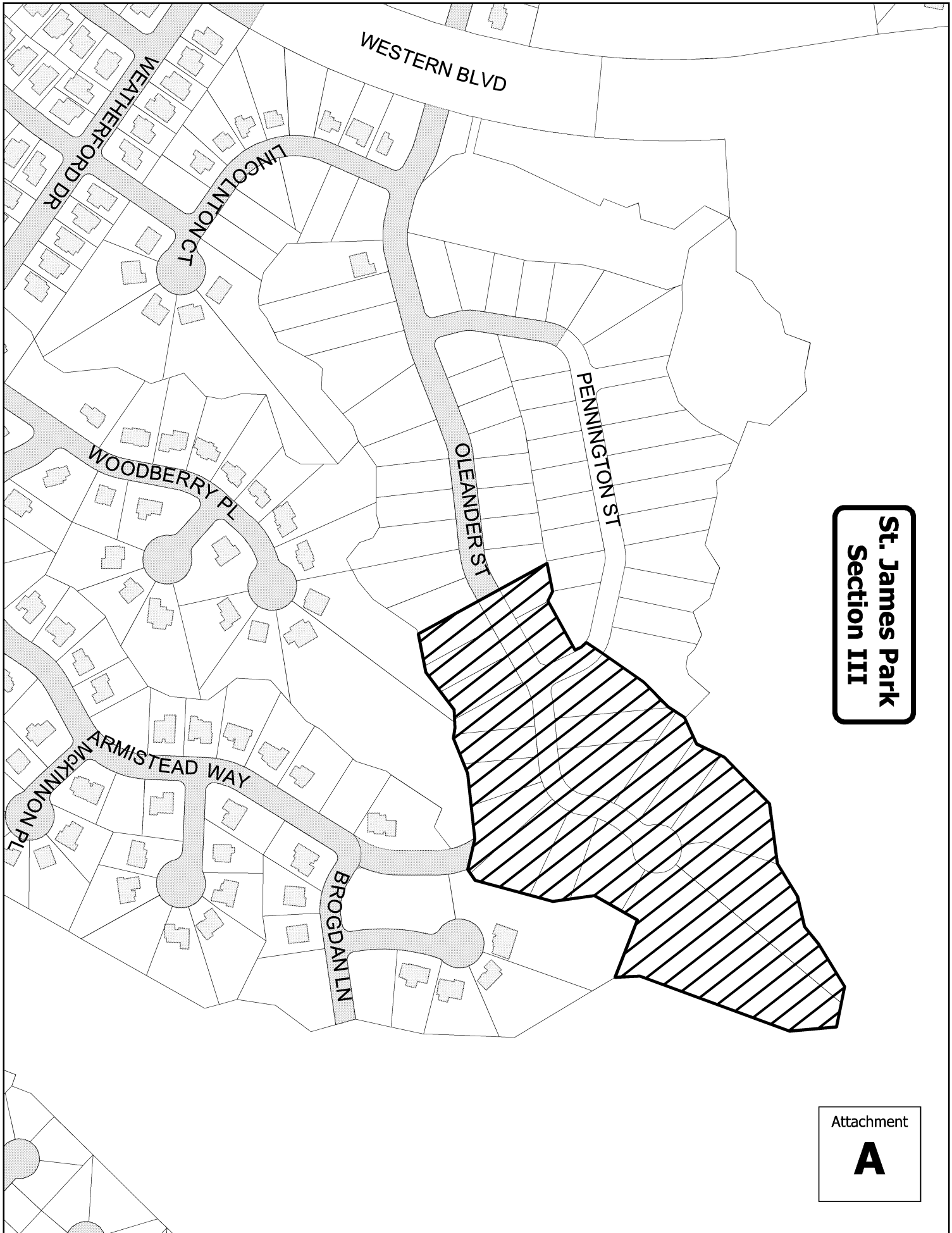
## Recommendation

Staff recommends Council accept for City maintenance the improvements of St. James Park, Section III, of Williamsburg Plantation. Water mains; sewer mains; fire hydrants; roads; curb and gutter; sidewalks; and the portion of storm drainage system that drains city streets.

Approved: ☒ City Manager ☐ City Attorney

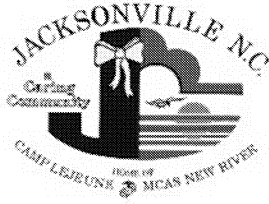
Attachments:

A Location Map



**St. James Park  
Section III**

Attachment  
**A**



# Request for City Council Action

Agenda Item:	<b>9</b>
Date:	1/6/2015

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**Subject:** Reconvene Public Hearing (*Legislative*) – Map Amendment –  
Rezoning from RSF-7 to Conditional CC – 202 & 204 Sunset Road  
**Department:** Planning & Permitting, Development Services  
**Presented by:** Abigail Barman, Senior Planner  
**Presentation:** Yes

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## Issue Statement

John L. Pierce & Associates on behalf of CDW Holdings, LLC submitted a rezoning request for 202 and 204 Sunset Road. On 12/2/2014 Council recessed the public hearing and deferred action to allow staff to work with the applicant and the residents. As a result, the applicant has revised the application requesting the two parcels currently zoned Residential Single Family 7 (RSF-7) be rezoned Conditional Corridor Commercial (CC-C) with the conditions outlined in attachment J.

## Financial Impact

None

## Action Needed

Reconvene the Public Hearing  
Consideration of the Proposed Rezoning

## Recommendation

City Council approve the rezoning request based on Findings of Facts A, C and D being found in the affirmative to include the conditions identified in Attachment B/J, direct Staff to update the CAMA Plan which will make the rezoning consistent and Finding of Fact B affirmative and find that the rezoning advances the public interest by creating more development opportunities.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Rezoning Worksheet
- B Proposed Ordinance
- C Draft Planning Board Minutes November 10, 2014
- D Portion of Article 3 of the UDO – RSF-7 District
- E Portion of Article 3 of the UDO – CC District
- F UDO use table
- G Existing Zoning Map
- H Existing CAMA Future Land Use Map
- I Proposed Zoning Map
- J Rezoning Conditions



# Staff Report

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Public Hearing – (Legislative) Map Amendment –  
Rezoning from RSF-7 to Conditional CC – 202 & 204 Sunset Road

## **Introduction**

John L. Pierce & associates on behalf of CDW Holdings, LLC submitted a rezoning request for 202 and 204 Sunset Road. The applicant is requesting the two parcels currently zoned Residential Single Family 7 (RSF-7) be rezoned Conditional Corridor Commercial (CC-C). If approved, the rezoning would allow the parcels which are contiguous to parcels zoned CC to be used more broadly. Additionally it would make the existing single family homes nonconforming.

During the December 2<sup>nd</sup> City Council meeting, questions about access, parcel recombination and use were raised. As a result, the applicant has changed their rezoning request to the more strict Conditional Corridor Commercial Zoning District (CC-C).

The Unified Development Ordinance has requirements for buffering and lighting which ease the impact of commercial development adjacent to residential parcels. The proposed conditions include increased landscaping and buffering, limitation on lighting and driveway access, interior traffic connections, and recombination of parcels (see Attachment J).

## **Procedural History**

- On September 12, 2014 John L. Pierce & associates on behalf of CDW Holdings, LLC has submitted a rezoning request
- On October 13, 2014 the Planning Advisory Board deferred the rezoning request.
- On November 10, 2014 the Planning Advisory Board recommended approval of the rezoning request as presented to rezone from RSF-7 to CC.
- On December 2, 2014 City Council deferred the public hearing to further consider the rezoning request.
- On January 6, 2015 City Council will reopen the public hearing and consider the rezoning request, which has been amended to a Conditional Corridor Commercial (CC-C) request.

## **Stakeholders**

- John L. Pierce & associates – Applicant
- CDW Holdings, LLC – Property owners
- Surrounding property owners – In accordance with General Statutes, property owners within 100 feet of the area proposed for rezoning will be notified via first class mail.

## **Transportation Assessment**

Section 113 Transportation Impact Analysis (TIA) of the Jacksonville Zoning Ordinance identifies the type of applications that necessitate an assessment, which includes a rezoning. As a usual practice, staff did not recommend that a TIA be prepared and proposed to defer any possible TIA to an actual development proposal if/when one is submitted.

## **Zoning Assessment**

The parcels proposed for rezoning are located at 202 and 204 Sunset Road. The property is bordered on the North and to the West by property that is zoned Residential Single Family 7 (RSF-7). The parcels are adjacent to the South and East by property zoned Corridor Commercial (CC).

### **Merits of Rezoning**

In determining the merits of the rezoning request the City Council should consider the following: 1) is the proposal consistent with an adopted land use plan, 2) does the rezoning advance the public interest, and 3) is the rezoning reasonable.

The following Findings of Fact must be applied to the proposal in determining the reasonableness of the rezoning:

- A.** *The size of the tract - The larger the area proposed for rezoning the more likely it is to be reasonable. An individual lot that is within a large zoning district is more suspect than creating a new zoning district involving multiple parcels and owners.*

The parcels proposed for rezoning total 1.01 acres. The proposed rezoning is located in an area with varying lot sizes; lot sizes range from .5 acres to over 4 acres.

#### *Evaluation:*

The area proposed for rezoning would change from a residential zoning to a commercial designation. Staff believes the rezoning request is reasonable given that it is consistent with the size of the surrounding parcels.

- B.** *Compatibility with an existing comprehensive plan- An action that is inconsistent with the plan may indicate special treatment that is contrary to the public interest.*

The CAMA Future Land Use Map identifies the subject parcels as Low Density Residential (LDR). The properties to the North and West are designated as LDR as well. To the South and East the properties are Regional Commercial (RC)

*Evaluation:*

The CAMA states Low Density Residential is primarily single-family detached residential development with home occupations, schools, churches and other non-profit organizations. The CAMA states, Regional Commercial is intended for services, large-scale retail and wholesaling activities that serve the entire community and the region. RC areas should have access to a major thoroughfare. Staff believes the rezoning request is reasonable given the proximity to the RC future land use designation and recommends updating the CAMA Map.

- C.** *The impact of the zoning decision on the landowner, the immediate neighbors, and the surrounding community – An action that is of great benefit to the owner and only a mild inconvenience for the neighbors may be reasonable, while a zoning decision that significantly harms the neighbors while only modestly benefiting the owner would be unreasonable.*

Rezoning the subject property to Conditional Use CC will allow uses that are currently not allowed within the RSF-7 zoning. The property is bordered on the North and to the West by property that is zoned Residential Single Family 7 (RSF-7). The parcels are adjacent to the South and East by property zoned Corridor Commercial (CC).

*Evaluation:*

Staff believes that due to the existing surrounding commercial zoning, the requested CC district is suitable.

- D.** *The relationship between the newly allowed uses and the previously allowed uses- The greater the difference in allowed use, the more likely the rezoning will be found unreasonable.*

Portions of Article 3 (RSF-7) & (CC) of the Zoning Ordinance can be found in Attachments D & E.

*Evaluation:*

The CC zoning district allows for commercial activity, which are more intense than those permitted within the RSF-7 zone. If the subject parcel were to be rezoned, the more intense uses would be permitted by right instead of prohibited.

### **Public Hearing Notification**

In accordance with the North Carolina General Statutes, all property owners within 100 feet of the subject parcels were notified of the proposed rezoning. In addition, Public Hearing Notifications were posted on the property and advertised in the Jacksonville Daily News

## **Options**

Approve the Rezoning requested most recently by the Applicant with Conditions  
**(RECOMMENDED).**

### **Proposed Conditions:**

- 1) Northern boundary Bufferyard
    - a. Will provide 1 large tree above/beyond the UDO requirements
    - b. Will provide 2 understory trees above/beyond the UDO requirements
    - c. Will provide 6 large shrubs above/beyond the UDO requirements
    - d. Landscaping will be placed on the property boundary side of the 6' opaque fence
  - 2) Sunset Road Street Lawn
    - a. Street lawn width will be 2 feet above/beyond the UDO requirements
    - b. Will install a 6" opaque fence
    - c. Landscaping will be placed on the street side of the 6' opaque fence
  - 3) Site lighting – Light poles will have a 12 foot height maximum
  - 4) Shall provide interconnection (driveway) with CDW Holdings, LLC property at the corner of US Highway 17 and Sunset Road
  - 5) Subject property (lots 1 & 2) will be recombined
  - 6) Subject property (lots 1 & 2) will be restricted to one driveway directly across from Morning Drive.
- Pros: Approval of the rezoning request will allow more opportunities to develop the property as desired by the owners, while minimizing impact to neighbors based on proposed conditions. Applicant has proposed conditions in an attempt to mitigate concerns raised by the residents of the area.
  - Cons: Approval of the rezoning request will allow a greater intensity of uses by right.

### **Deny the Rezoning Request.**

- Pros: Denial of the rezoning request could prevent more intense land uses from occurring. Denial also protects the character of the neighborhood, does not promote commercial intrusion, and maintains harmony among residents.
- Cons: Denial of the rezoning request limits the owner's development potential.

Defer Consideration of the Rezoning Request – Provide staff with direction on the specific information the City Council would like to receive.

- Pros: Would allow the property owner, staff and/or adjacent property owners to try and work out any concerns raised, if any.
- Cons: None

\*If denied, a new application cannot be resubmitted within one year unless approval is granted under the procedures set forth in Article 2.2 Common Review Procedures Subsection U. Waiver of Time Limit of the City of Jacksonville Unified Development Ordinance.

## WORKSHEET FOR REZONING REQUESTS

Applicant: CDW Holdings, LLC

Property Location: 202 and 204 Sunset Road

Tax Map and Parcel ID: 345G-36 and 345G-35

Existing zoning designation: Residential Single Family 7 (RSF-7)

Proposed zoning designation: Conditional Corridor Commercial (CC-C)

Proposed Conditions: See Attachments B & J

### REASONABLENESS FINDINGS OF FACT:

<b>A. Size of the tract-</b> The overall size of the tract of land proposed for rezoning is reasonable when compared to the size of the zoning district in which the subject property is located.	Yes	No
<b>B. Compatibility with a comprehensive plan-</b> The proposed rezoning is consistent with any comprehensive plan, small area plan or elements thereof.	Yes	No
<b>C. Impact-</b> The impact to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.	Yes	No
<b>D. Comparison of uses-</b> The allowed uses within the proposed zoning district are similar or comparable to uses permitted as currently zoned.	Yes	No

### GRANTING THE REZONING REQUEST

Motion to grant the rezoning upon finding that the rezoning is reasonable considering one or more of the above findings of fact A-D being found in the affirmative and that the rezoning advances the public interest.

### DENYING THE REZONING REQUEST

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ A. The size of the tract
- ☐ B. Incompatibility with the comprehensive plan
- ☐ C. Impact to surrounding community and immediate neighbors
- ☐ D. Proposed uses are dissimilar to those currently permitted

Attachment

**A**

## ORDINANCE (2015-)

# AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

BE IT ORDAINED by the City Council of the City of Jacksonville, North Carolina, that the Official Zoning Map for the City of Jacksonville and its Extraterritorial Jurisdiction, an element of the City of Jacksonville Zoning Ordinance, is hereby amended to reflect the rezoning of the subject parcel to Conditional Use Corridor Commercial (CU-CC) as shown on the below map (345G-36 and 345G-35) with the conditions listed below:



- 1) Northern boundary Bufferyard
  - a. Will provide 1 large tree above/beyond the UDO requirements
  - b. Will provide 2 understory trees above/beyond the UDO requirements
  - c. Will provide 6 large shrubs above/beyond the UDO requirements
  - d. Landscaping will be placed on the property boundary side of the 6' opaque fence
- 2) Sunset Road Street Lawn
  - a. Street lawn width will be 2 feet above/beyond the UDO requirements
  - b. Will install a 6" opaque fence
  - c. Landscaping will be placed on the street side of the of the 6' opaque fence
- 3) Site lighting – Light poles will have a 12 foot height maximum
- 4) Shall provide interconnection (driveway) with CDW Holdings, LLC property at the corner of US Highway 17 and Sunset Road

Attachment

B

- 5) Subject property (lots 1 & 2) will be recombined
- 6) Subject property (lots 1 & 2) will be restricted to one driveway directly across from Morning Drive.

This ordinance shall be in full force and effective upon its adoption. Adopted by the Jacksonville City Council in regular session on this 6<sup>th</sup> day of January, 2015.

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Sammy Phillips  
Mayor

ATTEST:

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Carmen K. Miracle  
City Clerk



# Draft Planning Board Minutes – November 10, 2014

Agenda Item:	<b>9</b>
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## Public Hearing (*Legislative*) Map Amendment – Rezoning from RSF-7 to CC – 202 & 204 Sunset Road

John L. Pierce & associates on behalf of CDW Holdings, LLC submitted a rezoning request for 202 and 204 Sunset Road. The applicant is requesting the two parcels currently zoned Residential Single Family 7 (RSF-7) be rezoned Corridor Commercial (CC). If approved would allow the parcel to be used more broadly and be contiguous to parcels zoned CC. During the October 13th Planning Advisory Board meeting questions about access, recombination and use were raised. The item was deferred for further discussion, minutes are presented in packets.

Section 113 Transportation Impact Analysis (TIA) of the Jacksonville Zoning Ordinance identifies the type of applications that necessitate an assessment, which includes a rezoning. In typical fashion, staff did not recommend that a TIA be prepared and would defer any possible TIA to an actual development proposal if/when one is submitted.

The parcel proposed for rezoning is located at 202 and 204 Sunset Road. The property is bordered on the North and to the West by property that is zoned Residential Single Family 7 (RSF-7). The parcels are adjacent to the South and East by property zoned Corridor Commercial (CC).

Staff recommends motion to approve the rezoning request based on Findings of Facts A, C, and D being found in the affirmative. Finding of Fact B will make the rezoning consistent if staff is directed to update the CAMA. The rezoning advances the public interest by creating more development opportunities.

John Pierce came up to answer the questions posed by the board at last month's meeting. The questions were; will the properties be combined, what will the use of the two parcels be and where are the proposed access points. Mr. Pierce stated that the use will be to make an employee parking area. The parcels will be combined. Currently, there are two driveways and the plan is to have one.



**Theresa VanderVere moved to approve the rezoning request based on Findings of Facts A, C, and D being found in the affirmative and Finding of Fact B will make the rezoning consistent if staff is directed to update the CAMA. Suzanne Nelson seconded the motion.**

Attachment
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<b>C</b>
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**The motion to approve the rezoning request based on Findings of Facts A, C, and D being found in the affirmative and Finding of Fact B will make the rezoning consistent if staff is directed to update the CAMA was unanimously approved by the Board Members present.**

## E. Residential Single-Family 7 (RSF-7) District

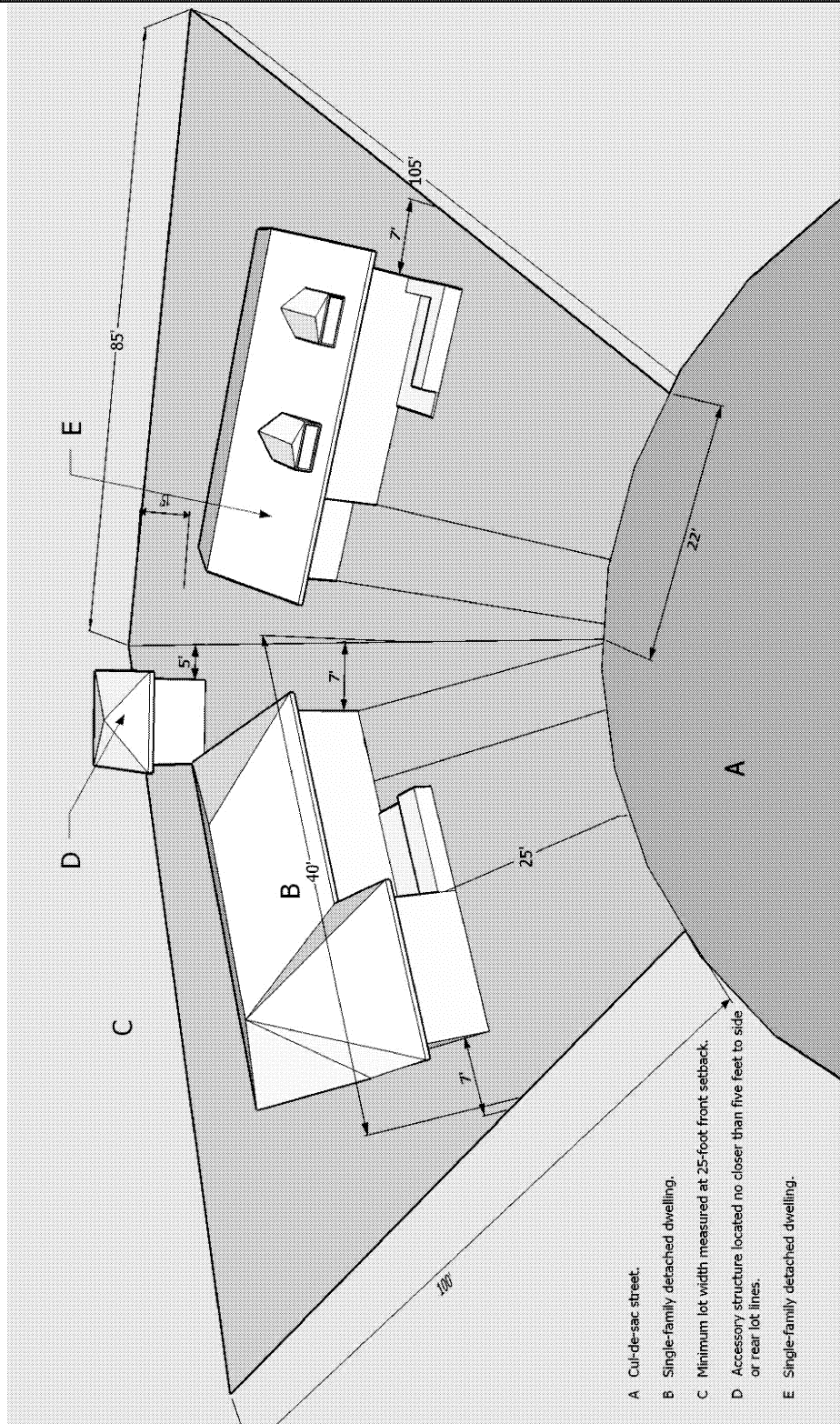
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;"><h1>RSF-7</h1><h2>Residential Single-Family 7</h2></div><div style="width: 50%; background-color: black; color: white; padding: 5px;"><b>Dimensional Standards</b></div></div>																							
<b>Purpose</b>	<table><tr><td>Number of Dwelling Units per Single-Family Lot, max.</td><td>Single-family: 1 principal</td></tr><tr><td>Lot Size, min. (square feet)</td><td>7,000</td></tr><tr><td>Net Density, max. (units/acre)</td><td>6.22</td></tr><tr><td>Lot Coverage, max. (% of lot area)</td><td>60</td></tr><tr><td>Lot Width, min. (feet)</td><td>40</td></tr><tr><td>Front Setback from ROW, min. (feet)</td><td>25</td></tr><tr><td>Corner Side Setback, min. (feet)</td><td>15</td></tr><tr><td>Side Setback, min. (feet)</td><td>7</td></tr><tr><td>Rear Setback, min. (feet)</td><td>15</td></tr><tr><td>Accessory Use Setback, min. (feet)</td><td>5 (prohibited in front or corner side setbacks)</td></tr><tr><td>Height, max. (feet)</td><td>35</td></tr></table>	Number of Dwelling Units per Single-Family Lot, max.	Single-family: 1 principal	Lot Size, min. (square feet)	7,000	Net Density, max. (units/acre)	6.22	Lot Coverage, max. (% of lot area)	60	Lot Width, min. (feet)	40	Front Setback from ROW, min. (feet)	25	Corner Side Setback, min. (feet)	15	Side Setback, min. (feet)	7	Rear Setback, min. (feet)	15	Accessory Use Setback, min. (feet)	5 (prohibited in front or corner side setbacks)	Height, max. (feet)	35
Number of Dwelling Units per Single-Family Lot, max.	Single-family: 1 principal																						
Lot Size, min. (square feet)	7,000																						
Net Density, max. (units/acre)	6.22																						
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Corner Side Setback, min. (feet)	15																						
Side Setback, min. (feet)	7																						
Rear Setback, min. (feet)	15																						
Accessory Use Setback, min. (feet)	5 (prohibited in front or corner side setbacks)																						
Height, max. (feet)	35																						
<p>The RSF-7 district is established to accommodate primarily single-family detached residential development at medium densities on lots of 7,000 square feet. District regulations are intended to discourage any use that substantially interferes with the development of single-family dwellings or that is detrimental to the quiet residential nature of the district. The district accommodates complementary uses usually found in residential zoning districts such as parks, open space, schools, and minor utilities. Major utilities and religious institutions, are allowed subject to a Special Use Permit (see Section 2.3.D).</p>																							
RSF-7 Typical Building Form	RSF-7 Typical Lot Pattern																						
																							

### Article 3: Zoning districts

#### SECTION 3.5: Residential Base Zoning Districts

##### Subsection E: Residential Single-Family 7 (RSF-7) District

### RSF-7 Typical Lot Configuration






**Article 3: Zoning districts****SECTION 3.6: Nonresidential and Mixed Use Zoning Districts****Subsection F: Corridor Commercial (CC) District****F. Corridor Commercial (CC) District**

<b>CC</b> <b>Corridor Commercial</b>	<b>Dimensional Standards</b>	
<b>Purpose</b>  <p>The CC district is established and intended to accommodate a diverse range of medium- to high-intensity retail, service, and office uses that provide goods and services serving the residents and businesses in the community at large—e.g., shopping centers, convenience stores, retail sales establishments, and heavier commercial uses. The district is typically located along major arterials, at the intersection of arterials, and along growth corridors. Higher-density residential uses are encouraged on the upper floors of nonresidential establishments, and as live/work units, but stand-alone residential development is prohibited. Uses allowed in the district are subject to various design standards intended to ensure development is compatible with residential surrounding uses.</p>	Lot Size, min. (square feet) [1]	N/A
	Net Density, max. (units/acre)	N/A
	Lot Coverage, max. (% of lot area)	N/A
	Lot Width, min. (feet)	25
	Front Setback, min. (feet)	35 feet/may be reduced to 10 feet with Type II or III site plan approval;
	Corner Side Setback, min. (feet)	
	Rear Setback, min. (feet)	As required per landscaping
	Side Setback, min. (feet)	As required per landscaping
	Accessory Use Setback, min. (feet)	5 feet/or as required per landscaping(prohibited in front or corner side setbacks)
	Spacing Between Buildings, min. (feet)	10 feet/or as required per landscaping unless the buildings are attached by a party wall
	Height, max. (feet)	75
[1] Residential uses are not subject to a minimum lot size, but are required to provide common open space (see Section 5.3 Open Space Set-Aside).		

Attachment

**E**

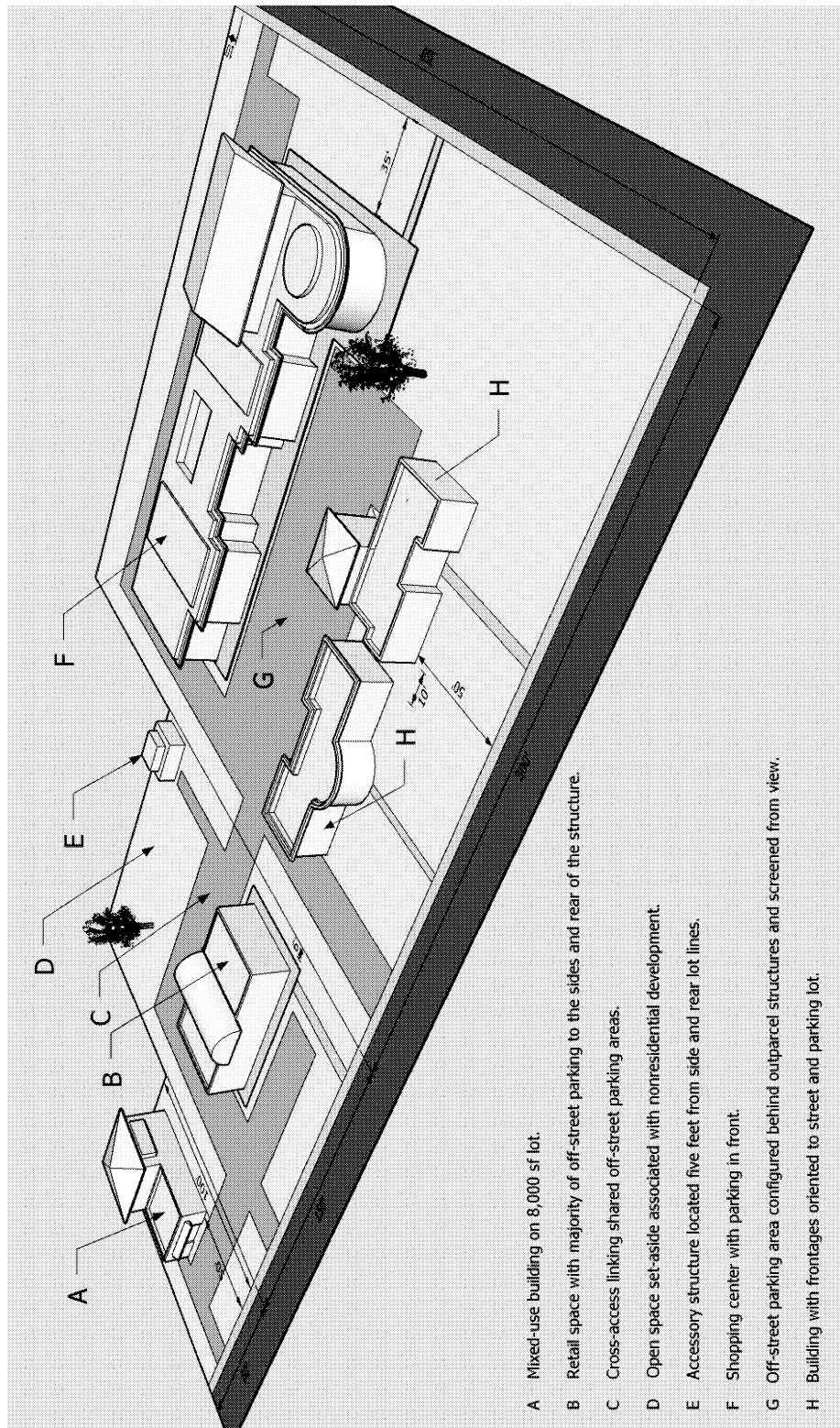
CC Typical Building Form	CC Typical Lot Pattern
	
	

### Article 3: Zoning districts

#### SECTION 3.6: Nonresidential and Mixed Use Zoning Districts

##### Subsection F: Corridor Commercial (CC) District

### CC Typical Lot Configuration



# ARTICLE 4: USE STANDARDS

## SECTION 4.1: Use Table

### Subsection B: Use Table

## B. Use Table

**Table 4.1.1: Use Table**

P = Permitted Use

S = Special Use

MP = Allowed Subject to a PD Master Plan

NA = Prohibited

Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
AGRICULTURAL USES																		
Agriculture	Livestock	S	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
	Plant nursery	P	P	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	MP	MP	
Agricultural Support and Services	Horse stable	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	MP	NA	MP	A.1	
RESIDENTIAL USES																		
Household Living	Dwelling, duplex	NA	NA	NA	NA	NA	P	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.a
	Dwelling, live/work	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	S	MP	MP	MP	B.1.b
	Dwelling, mansion apartment	NA	NA	NA	NA	S	S	S	S	S	S	S	NA	NA	MP	MP	MP	B.1.c
	Dwelling, mobile home	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.d
	Dwelling, modular	P	P	P	P	P	P	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.e
	Dwelling, multi-family*	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.f
	Dwelling, multi-family 350' or more from main roadway*	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	P	NA	MP	MP	MP	B.1.f
	Dwelling, single-family detached	P	P	P	P	P	P	NA	NA	NA	P	P	NA	NA	MP	MP	MP	B.1.g
	Dwelling, townhouse	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	MP	B.1.f
	Dwelling, upper story	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	S	MP	MP	MP	
Group Living	Mobile home park or subdivision	S	S	NA	NA	NA	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	B.1.i
	Family care home and Group home	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	S	NA	MP	MP	MP	B.2.a
	Rooming or boarding house	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	S	NA	MP	MP	MP	B.2.b
PUBLIC AND INSTITUTIONAL USES																		
Community Services	Community center*	S	S	S	S	S	S	S	P	S	S	P	P	NA	MP	MP	MP	
	Cultural facilities*	NA	NA	NA	NA	S	S	NA	P	P	S	P	NA	NA	MP	MP	MP	
	Library*	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
	Museum*	S	S	S	S	S	S	S	P	P	S	P	P	NA	MP	MP	MP	

**ARTICLE 4: USE STANDARDS**

SECTION 4.1: Use Table

Subsection B: Use Table

Table 4.1.1: Use Table																		
P = Permitted Use				S = Special Use				MP = Allowed Subject to a PD Master Plan				NA = Prohibited						
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
Day Care	Senior center*	S	S	S	S	S	S	S	P	P	S	P	S	NA	MP	MP	MP	
	Adult day care*	S	S	S	S	S	S	S	P	P	S	P	P	NA	MP	MP	MP	C.2.a
	Child day care*	S	S	S	S	S	S	S	P	P	S	P	P	S	MP	MP	MP	C.2.b
Educational Facilities	College or university*	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	NA	NA	MP	MP	
	School, elementary*	P	P	P	P	P	P	P	P	NA	P	P	P	NA	MP	NA	MP	
	School, middle*	P	P	P	P	P	P	P	P	NA	P	P	P	NA	MP	NA	MP	
	School, high*	S	S	S	S	S	S	S	P	NA	P	P	P	NA	NA	MP	MP	
Governmental Facilities	Vocation or trade school*	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	P	NA	MP	MP	
	Government maintenance or distribution	NA	NA	NA	NA	NA	S	S	NA	NA	S	S	P	P	MP	MP	MP	
	Offices*	NA	NA	NA	NA	NA	NA	S	P	P	P	S	P	P	MP	MP	MP	
	Post office	NA	NA	NA	NA	NA	NA	S	P	P	NA	S	P	P	MP	MP	MP	
Health Care Facilities	Blood/tissue collection facility	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	NA	MP	MP	
	Drug/alcohol treatment facility	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	S	P	S	NA	MP	NA	
	Hospital*	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	S	P	NA	NA	MP	MP	C.3.a
	Medical/dental clinic*	NA	NA	NA	NA	NA	NA	NA	P	P	S	P	P	NA	NA	MP	MP	
	Medical treatment facility*	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	NA	NA	MP	MP	C.3.b
Institutions	Assisted living facility*	S	S	S	NA	NA	S	P	P	P	S	P	P	NA	MP	MP	MP	
	Auditorium*	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	NA	NA	MP	MP	
	Club or lodge*	S	S	S	S	S	S	S	P	S	S	P	P	S	MP	MP	MP	
	Convention center*	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	P	P	S	NA	MP	NA	
	Halfway house	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	MP	MP	MP	C.3.A
	Homeless Shelters	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	NA	NA	C.3.B
	Nursing home*	S	S	NA	NA	NA	NA	P	P	P	S	P	P	NA	MP	MP	MP	
	Religious institution*	S	S	S	S	S	S	P	P	P	S	P	P	S	MP	MP	MP	
Parks and Open Areas	Arboretum or garden	P	P	P	P	P	P	P	P	P	P	P	P	S	MP	MP	MP	
	Cemetery	S	S	NA	NA	NA	NA	NA	S	NA	S	P	NA	NA	MP	MP	NA	C.4.a

**ARTICLE 4: USE STANDARDS**

## SECTION 4.1: Use Table

## Subsection B: Use Table

**Table 4.1.1: Use Table**

P = Permitted Use

S = Special Use

MP = Allowed Subject to a PD Master Plan

NA = Prohibited

Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
					A		A											
	Community dock, major	S	S	S	S	S	S	S	NA	NA	S	S	P	P	MP	MP	MP	
	Community dock, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Community garden	P	P	P	P	P	P	P	P	P	P	P	P	S	MP	MP	MP	
	Marina	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	NA	NA	NA	
	Park	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
	Square or plaza	S	S	S	S	S	P	P	P	P	P	P	P	P	MP	MP	MP	
<b>Public Safety</b>	Correctional facility*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	NA	NA	NA	C.5.a
	Fire or EMS facility	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
	Police station	S	S	S	S	S	S	S	P	P	S	P	P	P	MP	MP	MP	
<b>Transportation</b>	Airport	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Helicopter landing facility	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Passenger terminal*	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	P	MP	MP	MP	
	Private landing strip	S	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
<b>Utilities</b>	Telecommunications antenna, collocation*	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	C.6
	Telecommunications tower, freestanding*	S	S	S	S	S	S	S	S	S	S	S	S	P	MP	MP	MP	
	Utility, major	S	S	S	S	S	S	S	S	S	S	S	P	P	MP	MP	MP	C.7
	Utility, minor	P	P	P	P	P	P	P	P	P	P	P	P	P	MP	MP	MP	
<b>COMMERCIAL USES</b>																		
<b>Adult Establishments</b>	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	NA	D.1
<b>Animal Care</b>																		D.2
	Kennel, indoor or outdoor	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	P	P	MP	MP	MP	
	Veterinary clinic with outdoor kennel	NA	NA	NA	NA	NA	NA	S	P	S	NA	S	P	P	NA	MP	MP	
	Veterinary clinic without outdoor kennel	NA	NA	NA	NA	NA	NA	S	P	S	NA	P	P	P	NA	MP	MP	
<b>Billboards</b>	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	NA	D.3

**ARTICLE 4: USE STANDARDS**

SECTION 4.1: Use Table

Subsection B: Use Table

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Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
<b>Eating Establishment</b>	Restaurant, with indoor or outdoor seating	NA	NA	NA	NA	NA	NA	S	S	P	NA	P	P	P	MP	MP	MP	D.4.a
	Restaurant, with drive-through service	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	MP	MP	MP	D.4.b
	Specialty eating establishment, with or without drive-through service	NA	NA	NA	NA	NA	NA	S	P	P	NA	P	P	P	MP	MP	MP	
<b>Offices</b>	Business, financial, professional services*	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	
<b>Parking</b>	Vehicular use area	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.5.a
	Parking structure	NA	NA	NA	NA	NA	NA	NA	P	P	S	S	P	P	MP	MP	MP	D.5.b
	Vehicle storage	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	NA	
<b>Personal Services Establishment</b>	Financial institution (without drive-through)	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	S	MP	MP	MP	D.6.b
	Financial institution (with drive-through)	NA	NA	NA	NA	NA	NA	NA	S	S	NA	NA	P	P	NA	MP	MP	
	Funeral home	NA	NA	NA	NA	NA	NA	NA	P	NA	S	P	P	P	NA	MP	MP	D.6.a
	Laundromat	NA	NA	NA	NA	NA	NA	S	P	P	NA	P	P	P	MP	MP	MP	
	Pawn shop/Lending institution	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	S	NA	MP	MP	
	Repair establishment	NA	NA	NA	NA	NA	NA	NA	P	P	NA	P	P	P	NA	MP	MP	
	Tattoo parlor/piercing establishment	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	
<b>Recreation and Entertainment</b>	Arcade	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	P	P	NA	NA	MP	MP	
	Arcade, Adult	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Arena, stadium, or coliseum*	S	S	NA	NA	NA	NA	NA	P	NA	NA	P	P	P	NA	MP	MP	D.7.a
	Athletic field or court*	P	P	P	P	P	P	P	P	NA	S	P	NA	NA	MP	MP	MP	D.7.c
	Golf course	P	P	P	P	P	P	P	NA	NA	S	S	S	NA	MP	MP	MP	

# ARTICLE 4: USE STANDARDS

## SECTION 4.1: Use Table

### Subsection B: Use Table

**Table 4.1.1: Use Table**

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NA = Prohibited

Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	Indoor commercial recreation*	NA	NA	NA	NA	NA	NA	NA	S	P	S	P	P	P	MP	MP	MP	
	Outdoor commercial recreation*	S	S	NA	NA	NA	NA	NA	S	P	S	P	P	S	MP	MP	MP	
	Sweepstakes Establishment	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	
	Swimming pool	S	S	S	S	S	S	S	P	P	P	P	P	S	MP	MP	MP	D.7.b
	Theatre, Indoor*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	MP	
Retail Sales	Bar, nightclub, lounge, brown-bagging or tavern*	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	S	S	NA	MP	MP	
	BilliardNApool hall (with alcohol sales)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	P	S	S	NA	MP	MP	
	BilliardNApool hall (without alcohol sales)	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	P	P	P	NA	MP	MP	
	Convenience store (without gas sales)	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.8.a
	Convenience store (with gas sales)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	MP	MP	MP	
	Drug store (without drive-through)	NA	NA	NA	NA	NA	NA	NA	P	P	P	P	P	P	MP	MP	MP	D.8.b
	Drug store (with drive-through)	NA	NA	NA	NA	NA	NA	NA	P	S	NA	NA	P	P	NA	MP	MP	
	Flea market	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	NA	MP	MP	
	Gasoline sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	D.8.c
	General	NA	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	P	NA	MP	MP	
	Grocery store*	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	P	S	MP	MP	MP	
	Hookah lounge	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	S	NA	MP	MP	
	Liquor store	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	P	NA	MP	MP	
	Outdoor Sales (as a principal use)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Shopping center*	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	NA	MP	MP	
Self-Service Storage	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	MP	D.9
Vehicles Sales and Services	Automotive sales or rentals	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	D.10.d
	Automotive painting/body shop	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP		D.10.a
	Automotive	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	NA	MP	MP	D.10.b

**ARTICLE 4: USE STANDARDS**

SECTION 4.1: Use Table

Subsection B: Use Table

**Table 4.1.1: Use Table**

P = Permitted Use

S = Special Use

MP = Allowed Subject to a PD Master Plan

NA = Prohibited

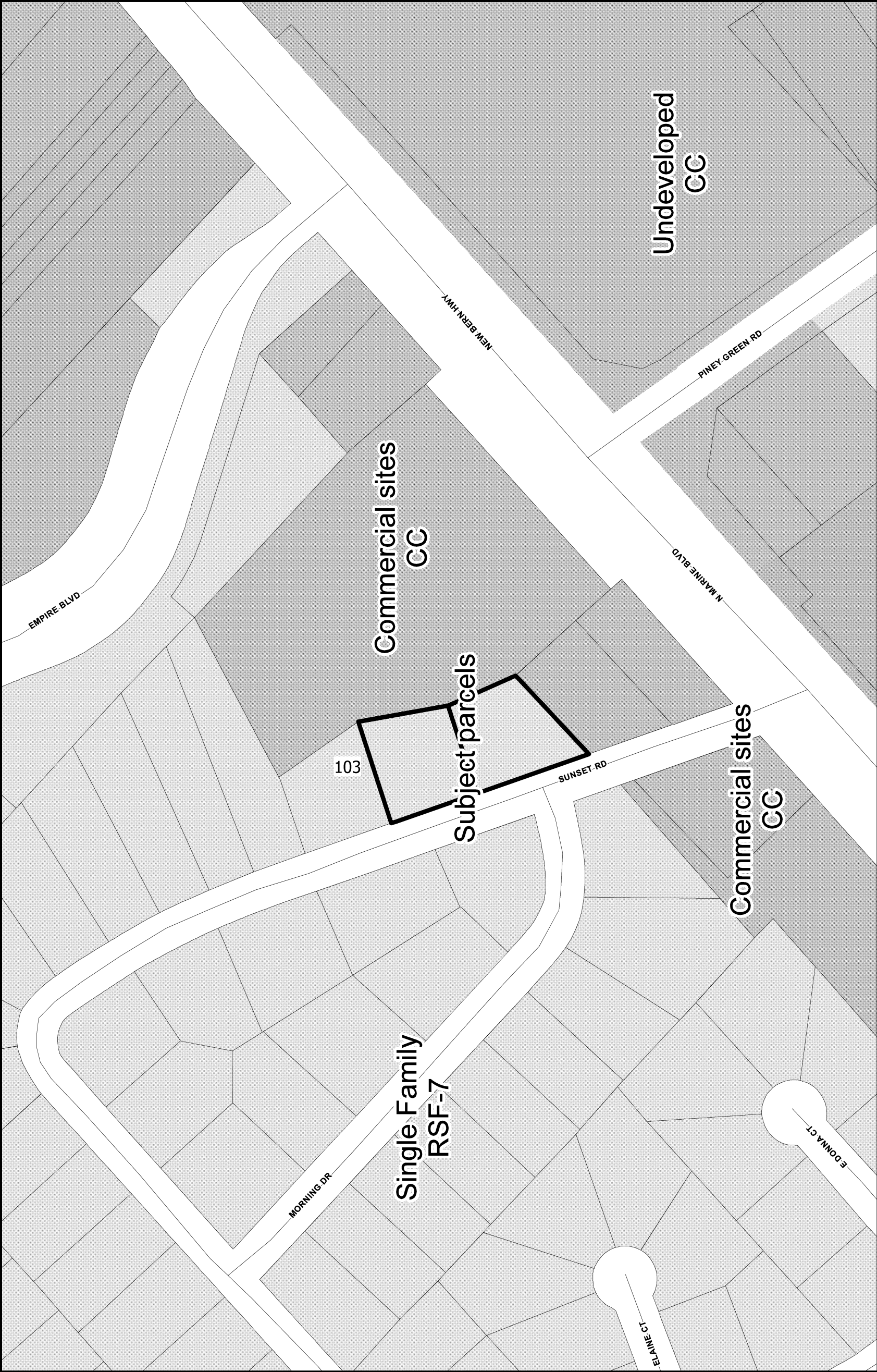
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	parts/installation				A		A		A		A							
	Automotive repair and servicing (without paintingNAbodywork)	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	S	P	P	NA	MP	MP	D.10.c
	Automotive wrecker service	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	D.10.e
	Boat and marine rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	S	P	P	NA	MP	NA	
	Boat repair and servicing	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	NA	
	Recreational vehicle rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Taxicab operation	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	MP	MP	MP	
	Truck and trailer rental/sales	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
<b>Visitor Accommodations</b>	Bed & breakfast	NA	NA	NA	NA	S	P	P	P	P	P	P	P	NA	MP	MP	MP	110.a
	Hotel/motel*	NA	NA	NA	NA	NA	NA	NA	S	S	NA	P	P	NA	NA	MP	MP	11.b
<b>INDUSTRIAL USES</b>																		
<b>Extractive Industry</b>	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.1
<b>Industrial Services</b>	Building, heating, plumbing, or electrical contractor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Concrete / asphalt plant	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Electric motor repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	MP	E.2.a
	Fuel oil/bottled gas distributor	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Flex space	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	NA	
	Heavy equipment sales, rental, or storage	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Heavy equipment servicing and repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.2.b
	Laundry, dry cleaning, and carpet cleaning plants	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.2.c
	Machine shop	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Repair of scientific or professional	NA	NA	NA	NA	NA	NA	NA	S	S	NA	S	P	P	NA	MP	MP	

**ARTICLE 4: USE STANDARDS**  
**SECTION 4.2: USE-SPECIFIC STANDARDS**  
 Subsection B: Use Table

<b>Table 4.1.1: Use Table</b> P = Permitted Use      S = Special Use      MP = Allowed Subject to a PD Master Plan      NA = Prohibited																		
Use Category	Use Type	Residential							Nonresidential/ Mixed-Use						Planned Development			Additional Standards 4.2.
		RSF-40	RSF-20	RSF-10	RSF-7	RSF-5	RMF-LD	RMF-HD	OI	NC	DTR	DTB	CC	IND	PD-R	PD-M	PD-T	
	instruments																	
	Research and development	NA	NA	NA	NA	NA	NA	NA	P	NA	NA	P	P	P	NA	MP	MP	
	Tool repair	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NA	MP	MP	
<b>Manufacturing and Production</b>	Manufacturing, heavy	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	E.3.a
	Manufacturing, light	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
<b>Warehouse and Freight Movement</b>	Cold storage plant	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Outdoor storage (as a principal use)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.4.a
	Parcel services	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	E.4.b
	Truck or freight terminal	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Warehouse (distribution)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	
	Warehouse (storage)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	
<b>Waste-Related Services</b>	Incinerator	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Land application of wastes	S	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Landfill, construction debris	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	NA	NA	E.5.b
	Landfill, land clearing and inert debris	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	
	Landfill, sanitary	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.5.c
	Recycling and salvage center	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	NA	MP	NA	E.5.d
	Recycling drop-off center	S	S	S	S	S	S	S	S	P	S	S	P	P	MP	MP	MP	E.5.e
	Salvage and junkyard	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	NA	MP	NA	E.5.f
	Tire disposal or recycling	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
	Waste composting	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	NA	MP	NA	
<b>Wholesale Sales</b>	All	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	S	P	P	NA	MP	MP	E.6

\*Subject to Flight Path Overlay (See Section 3.9.F)

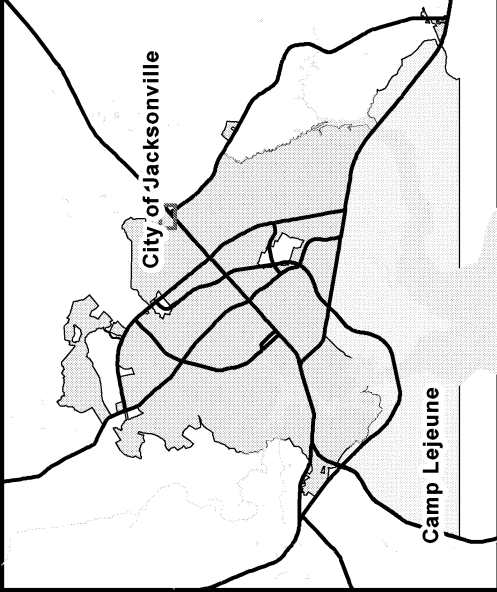
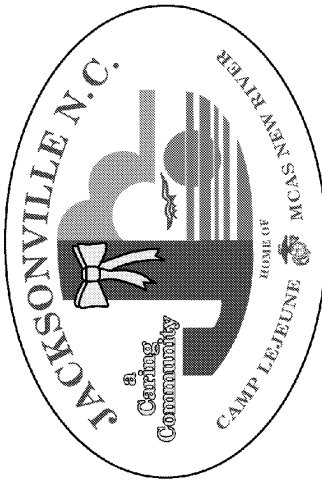
# 202 and 204 Sunset Road



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



1 inch = 154 feet



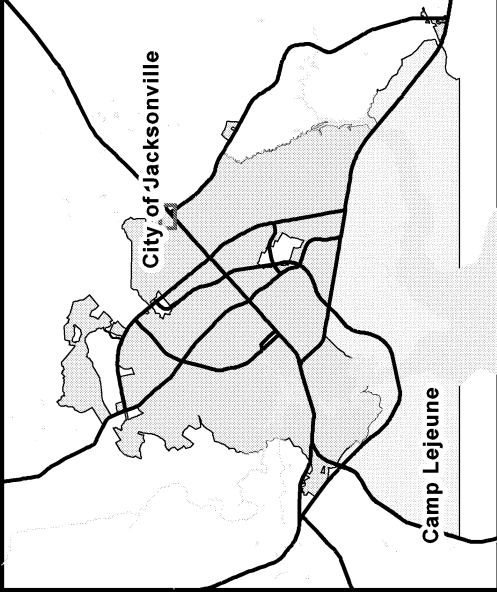
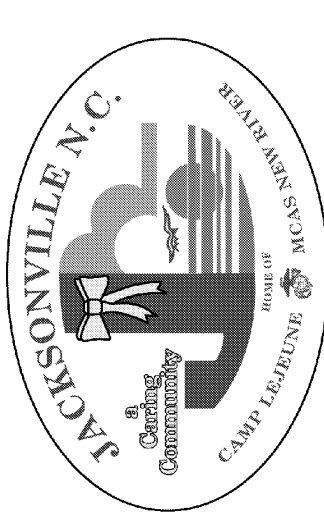
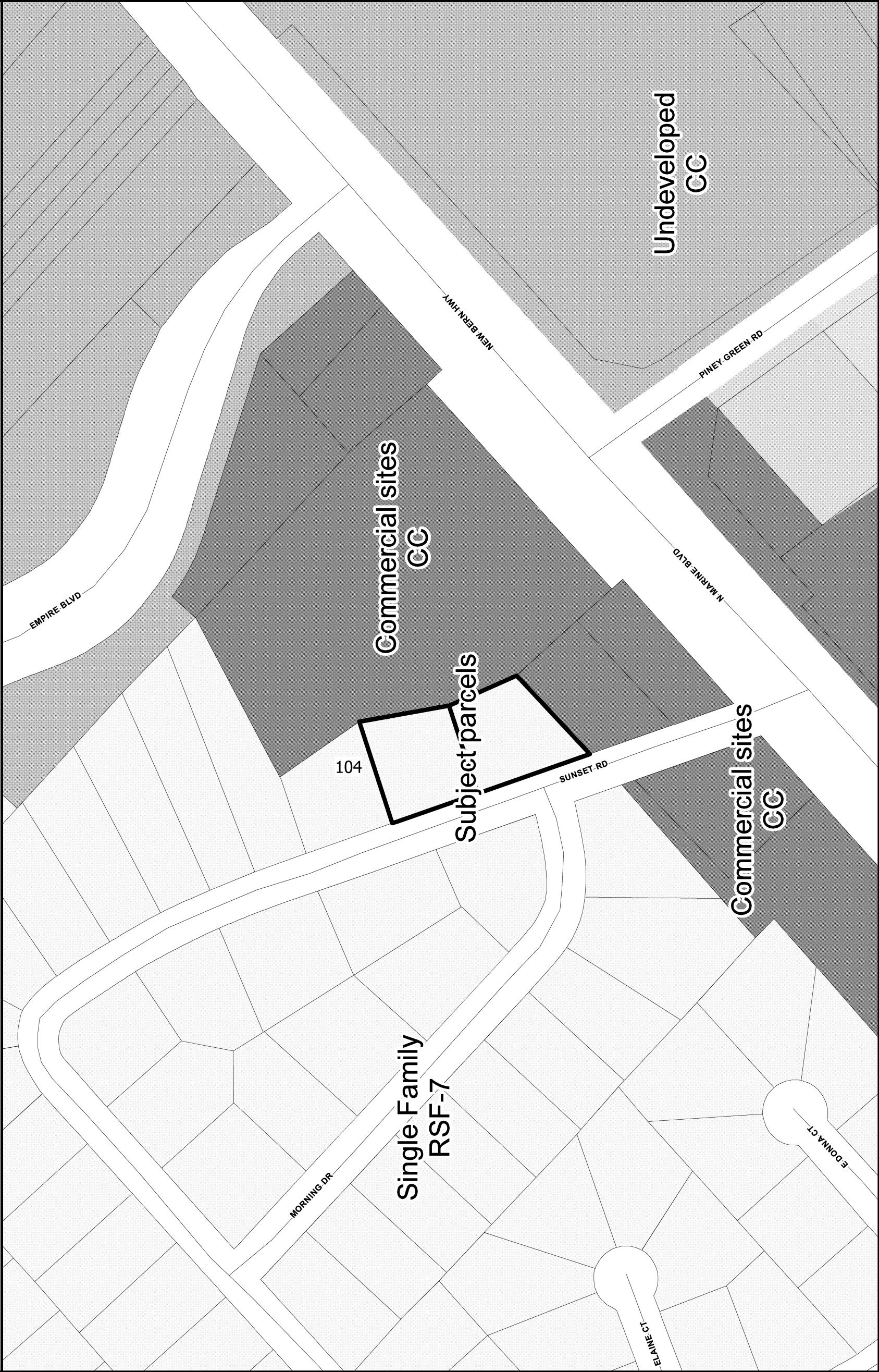
## Legend

	CC
	DTB
	DTR
	IND
	MR
	NC
	OI
	PDC
	PDR
	PDT
	RMF-HD
	RMF-LD
	RSF-10
	RSF-20
	RSF-40
	RSF-5
	RSF-7

Attachment

G

# 202 and 204 Sunset Road



## Legend

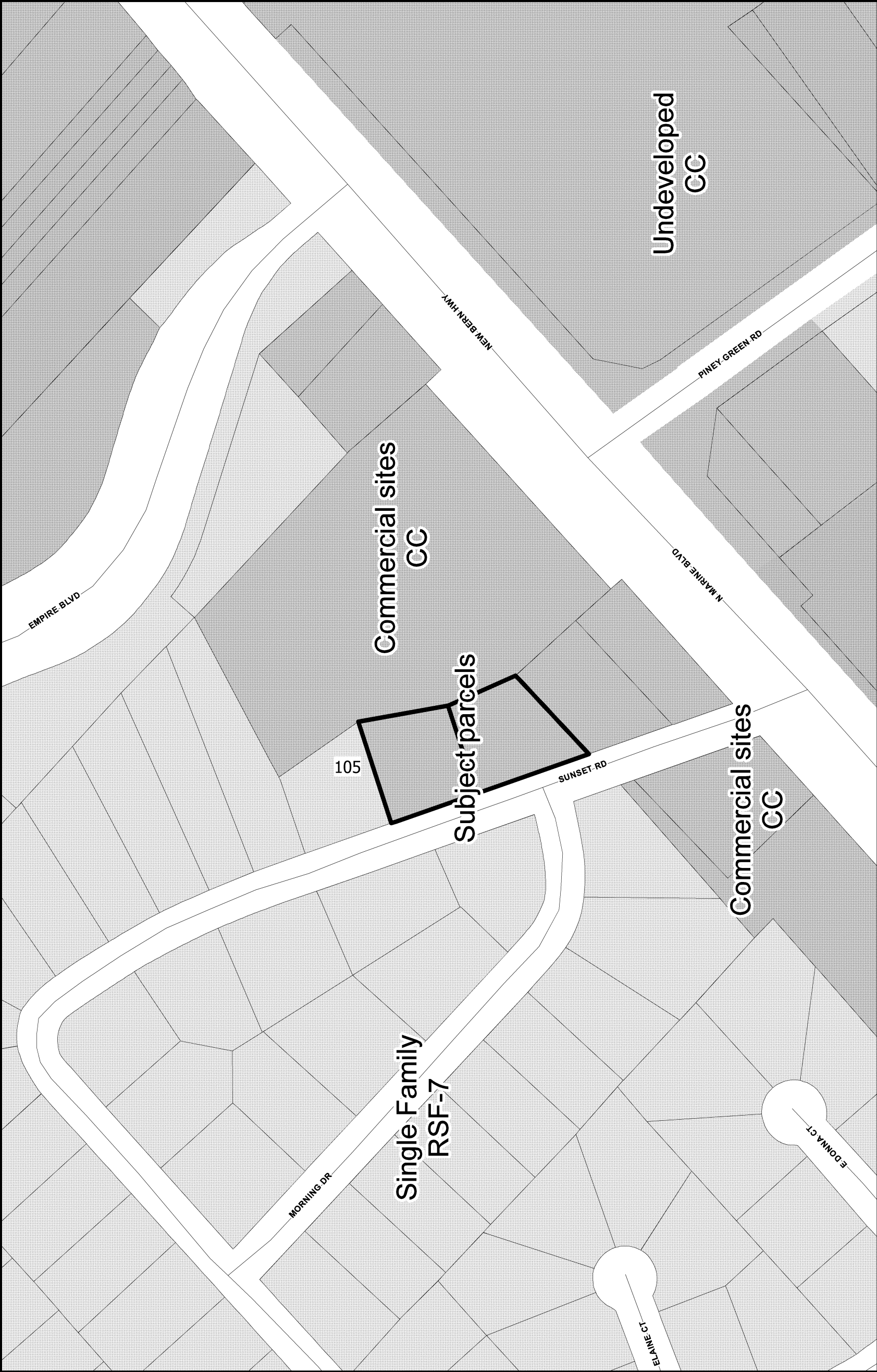
- Conservation
- Park
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Public
- Office
- Mixed Use
- Neighborhood Commercial
- Regional Commercial
- Industrial

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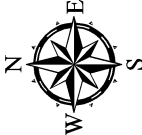


1 inch = 154 feet

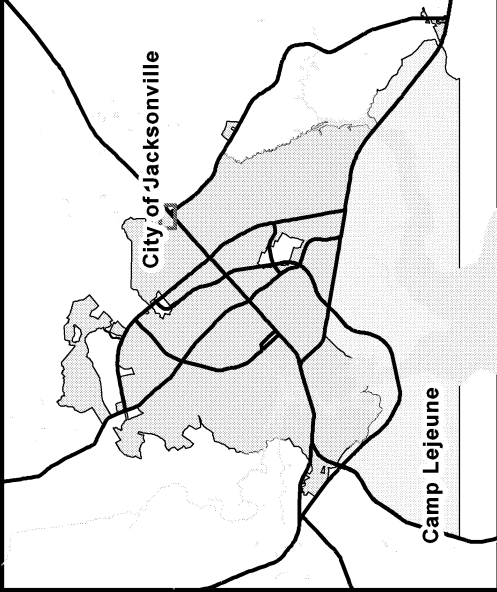
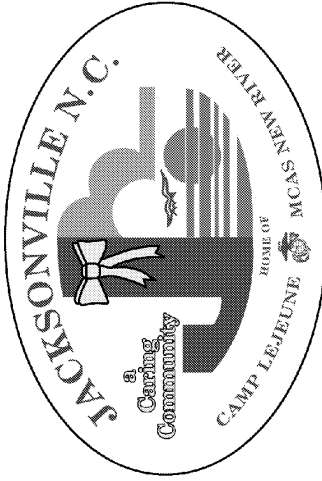
# 202 and 204 Sunset Road



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1 inch = 154 feet



## Legend

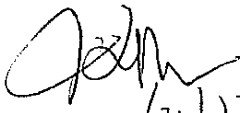
	CC
	DTB
	DTR
	IND
	MR
	NC
	OI
	PDC
	PDR
	PDT
	RMF-HD
	RMF-LD
	RSF-10
	RSF-20
	RSF-40
	RSF-5
	RSF-7

Attachment



Conditions:

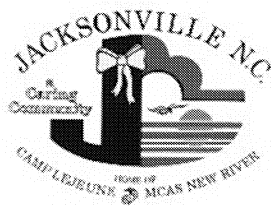
- 1) Northern boundary Bufferyard
  - a. Will provide 1 large tree above/beyond the UDO requirements
  - b. Will provide 2 understory trees above/beyond the UDO requirements
  - c. Will provide 6 large shrubs above/beyond the UDO requirements
  - d. Landscaping will be placed on the property boundary side of the 6' opaque fence
- 2) Sunset Road Street Lawn
  - a. Street lawn width will be 2 feet above/beyond the UDO requirements
  - b. Will install a 6" opaque fence
  - c. Landscaping will be placed on the street side of the of the 6' opaque fence
- 3) Site lighting – Light poles will have a 12 foot height maximum
- 4) Shall provide interconnection (driveway) with CDW Holdings, LLC property at the corner of US Highway 17 and Sunset Road
- 5) Subject property (lots 1 & 2) will be recombined
- 6) Subject property (lots 1 & 2) will be restricted to one driveway directly across from Morning Drive.

  
12/31/24



Attachment

**J**



# Request for City Council Action

Agenda Item:	<b>10</b>
Date:	1/6/2015

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**Subject:** Public Hearing (*Legislative*) – Unified Development Ordinance Text  
Article 5: Development Standards, Section 5.12 Signage, Section 5.8  
Non-Residential Standards, and Article 9: Definitions, Section 9.4  
Definitions

**Department:** Development Services

**Presented by:** Abigail Barman, Senior Planner

**Presentation:** Yes

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## Issue Statement

Staff has initiated a Unified Development Ordinance (UDO) text amendment to Article 5, Development Standards, Section 5.12 Signage, Section 5.8 Non-Residential Standards and Article 9 Definitions. The proposed changes would 1) Reduce the maximum allowable height for freestanding signs from 35 feet to 20 feet in the Corridor Commercial and Industrial districts; 2) Adjust the frequency in which electronic message boards can change from 30 seconds to 15 seconds; 3) Increase the allotment of electronic message boards from 30% to 50% for single tenant locations; 4) Limit the brightness of electronic message boards; and 5) Modify existing language to add clarity.

## Financial Impact

None

## Action Needed

Conduct a Public Hearing

Consideration of the Zoning Text Amendment

## Recommendation

Staff recommends that Council approve the zoning text amendment found in Attachment A.

Approved: ☒ City Manager ☐ City Attorney

## Attachments:

- A Proposed Zoning Text Amendment Ordinance
- B Draft Planning Board Minutes December 8, 2014



# Staff Report

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Public Hearing (*Legislative*) – Unified Development Ordinance Text Amendment – Article 5:  
Development Standards, Section 5.12: Signage

## **Introduction**

Staff has initiated a Unified Development Ordinance (UDO) text amendment to Article 5, Development Standards, Section 5.12 Signage, Section 5.8 Non-Residential Standards and Article 9 Definitions. The proposed changes would 1) Reduce the maximum allowable height for freestanding signs from 35 feet to 20 feet in the Corridor Commercial and Industrial districts; 2) Adjust the frequency in which electronic message boards can change from 30 seconds to 15 seconds; 3) Increase the allotment of electronic message boards from 30% to 50% for single tenant locations; 4) Limit the brightness of electronic message boards; and 5) Modify existing language to add clarity.

## **Procedural History**

- December 8, 2014 the text amendment was presented to the Planning Advisory Board.
- January 6, 2015 the City Council will conduct a public hearing and consider this request.

## **Stakeholders**

Developers and business owners – UDO Text Amendment would modify current signage standards.

City Staff – UDO Text Amendment would modify current signage standards and how staff approves signage applications.

## **Public Hearing Notification Assessment**

“Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing.” Notifications in accordance with North Carolina General Statutes have been followed.

## **Options:**

### 1) Recommend approval of the UDO text amendment found in Attachment A. **(Staff Recommended)**

- Pros: Would update sign ordinance to match technology and current trends and improve clarity. Would allow businesses to double the message capabilities of electronic message boards. Would allow single tenant's a greater amount of electronic message board area.
- Cons: Would render signs greater than 20 feet and those that exceed the allowable brightness non-conforming.

### 2) Defer action on the UDO text amendment.

- Pros: Would allow staff time to acquire additional background information as requested by the Planning Advisory Board.
- Cons: The City continues to receive sign applications and inquires regularly regarding the sign types mention in the staff report, deferral could hinder decisions on property development.

### 3) Deny the UDO text amendment

- Pros: None.
- Cons: Would not change the signage requirements and would not allow the developers and business owners to advertise in the desired manner.

## ORDINANCE (# 2015- )

### AN ORDINANCE AMENDING THE CITY OF JACKSONVILLE UNIFIED DEVELOPMENT ORDINANCE

**BE IT ORDAINED** by the Jacksonville City Council that Article 5: Development Standards, Section 5.12 Signage, Section 5.8 Non-Residential Standards, and Article 9: Definitions, Section 9.4 Definitions be amended. Underlining indicates a proposed addition to the text. ~~Strikethrough~~ indicates the deletion of existing text.

#### 5.12 Signage

##### J. Development Entrance Signs

Signage associated with a residential subdivision, multi family development, office park, industrial park, shopping center, any building with more than one tenant, or similar development shall comply with the following standards:

1. ~~For purpose of this section, development entrance signs shall meet the following requirements:~~
  - (a) Signs shall be monument style (structure/supports do not count as sign area unless logos, text, etc. are located on the base).
  - (b) Sign height is measured from ground level at the base of the structure. Administrative adjustments can be made for grade differences between the right of way and sign location.
  - (c) he base of the monument shall be no more than 1/3 the size of the sign area.
  - (d) Text on the sign shall not be smaller than 4" letters.
  - (e) Allotment may be divided between 2 signs but no more than 2 signs are permitted at each entrance.
2. **Developments of a commercial use shall also meet the requirements below:**
  - (a) For the primary entrances, the allotted square footage is equal to the linear footage of the front primary elevation of the largest building.
  - (b) For the secondary entrances, the allotted square footage is equal to half the linear footage of the front primary elevation of the largest building.
  - (c) A maximum of 150 square feet is permitted per primary entrance and 75 square feet per secondary entrance.

Attachment

**A**

- (d) Electronic message boards cannot exceed 50% of sign area.
  - (e) In no case may any portion of supporting structural elements of the sign exceed 20 feet in width nor be erected to a height greater than 15 feet.
3. **Developments of a residential use shall also meet the requirements below:**
- (a) A single side of any such sign may not exceed 32 square feet.
  - (b) If two signs are erected the total surface area of all such signs located at a single entrance shall not exceed 64 square feet.
  - (c) In no case may any portion of supporting structural elements of the sign exceed 10 feet in width nor be erected to a height greater than 6 feet.
  - (d) Electronic message boards are prohibited.

#### **K. Freestanding Sign Surface Area Single Tenant Properties**

1. ~~For purposes of this section, a side of a freestanding sign is any plane or flat surface included in the calculation of the total sign surface area as provided in Section 5.12.H, *Computation of Sign Area*. For example, wall signs typically have one side. Freestanding signs typically have two sides (back to back), although four-sided and other multi-sided signs are also common.~~
2. A single side of a freestanding sign may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. In addition, the maximum total surface area for a single side of a freestanding sign shall not exceed 150 square feet. ~~Maximum percentage of the total allowed sign area for an electronic message board shall not exceed 30 percent.~~ A recent survey (within 3 years), most current deed or other acceptable method as determined by the Development Services Director will be utilized for determining the amount of street frontage.
3. Whenever a lot is situated such that it has no street frontage on any lot boundary and an applicant desires to install on such a lot a freestanding sign, the applicant may utilize the development entrance sign option.
4. Maximum percentage of the total allowed sign area for an electronic message board shall not exceed 50 percent.
5. With respect to freestanding signs that have no discernible sides, such as spheres or other shapes not composed of flat planes, no such freestanding sign may exceed the maximum total surface area allowed for a single side of a freestanding sign.
6. The provisions of this section shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed

by Section 5.12.M, *Billboards*.

#### **L. Number of Freestanding Signs**

1. Except as authorized by this section, no development may have more than one freestanding sign.
2. Development Entrance Signs ~~are not counted as freestanding signs for the purpose of this part~~ permitted in conjunction with other signage if located at the entrance to a larger development.
3. If a development is located on a corner lot that has at least 100 feet of frontage on each of the two intersecting public streets, then the development may have not more than one freestanding sign along each side of the development bordered by such streets.
4. If a development is located on a lot that is bordered by two public streets that do not intersect at the lot's boundaries (double front lot), then the development may have not more than one freestanding sign on each side of the development bordered by such streets.
5. For developments that have more than 300 linear feet of frontage along a single right-of-way boundary, a second freestanding sign may be established. For developments that have more than 500 feet of frontage, a maximum of three freestanding signs may be established. Multiple freestanding signs established in the same development must be separated by a minimum of 100 feet. The total amount of area for all freestanding signs erected for a single development may not exceed 0.75 square feet in surface area for every linear foot of street frontage along the street toward which such sign is primarily oriented. In no case may any such freestanding sign exceed 150 square feet in size.
6. Freestanding signs are prohibited in all residential districts, except as otherwise provided by this section.
7. The provisions of this section shall not apply to billboards. The placement and dimensional requirements of billboards shall be governed by Section 5.12.M, *Billboards*.

#### **M. Billboards**

8. Billboards shall be permitted only in the Billboard Overlay Zone as shown on the Official Zoning Map for the City of Jacksonville and its extraterritorial jurisdiction. For the purposes of this Chapter, Billboards constitute a separate and distinct land use due to their size and prominence upon the landscape, and are therefore subject to the following separate regulatory provisions. It is recognized that billboards provide the opportunity to advertise products, services, and ideas; however, because of their sheer size, location in proximity to buildings, and potential for storm damage these signs can be aesthetically undesirable, create traffic hazards, and present dangers to adjoining properties. Therefore, it is the purpose of this ordinance to allow for the establishment of billboards under specific, limited circumstances.

9. No two billboards shall be spaced less than 2000 feet apart on the same side of the roadway on all streets and rights-of-way where they are allowed. In addition, no two billboard structures shall be placed within 1000 feet in either direction of the nearest point on the opposite side of the same right-of-way from an existing billboard. When determining the distance between signs the measurement shall be from the nearest points of the respective signs (including braces, overhang, etc.).
10. No billboards shall be allowed within 750 feet of the center point of an intersection where both roads allow billboards nor within 750 feet of the interior apex of an angle intersection, where both roads allow billboards.
11. All billboard structures, including overhangs and all other components, shall be set back at least 20 feet from the nearest road right-of-way.
12. The maximum allowable height for a billboard shall be 40 feet.
13. No one copy area of any billboard structure shall exceed four hundred square feet, and there shall be no more than one copy area facing any one side of the traveled roadway on any sign structure.
14. All billboards shall be plainly marked with the name of the person, firm, or corporation erecting and maintaining such sign and shall have affixed the firm number issued for said sign by the building inspector.
15. All owners of billboards are required to obtain and maintain an annual billboard permit in order for the billboard to be considered a conforming use. Billboard permits shall only be issued for billboards that are in complete conformance with the requirements of this ordinance. If a billboard permit expires, the billboard shall be deemed non-conforming until a new permit is obtained. For the purposes of this subsection, a billboard shall be considered "destroyed" if damaged to an extent that the cost of repairing the billboard to its former stature or replacing it with an equivalent billboard equals or exceeds 50 percent of the tax value, as listed in the Onslow County Tax Office, of the billboard so damaged.

**B. Location and Height Requirements**

1. No sign or supporting structure shall be established within an existing right-of-way boundary or future right-of-way boundary as depicted on the amended City of Jacksonville Thoroughfare Plan or other officially adopted plan; unless the sign is attached to a structural element of a building and an encroachment permit has been obtained by the appropriate agency or agencies. The property owner is responsible for ensuring this standard is met. If it is determined that a sign has been placed within an existing or future right-of-way, it shall be the property owner's responsibility to remove such sign within 90 days of an official notice.
2. No sign or supporting structure may be located within or over any easement unless an encroachment has been obtained from the

easement holder.

3. No sign may be located so that it substantially interferes with the view or vision necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. All signs located near intersections or driveways shall be situated to provide a minimum vehicular site triangle as depicted in the MSSD for the purpose of ensuring traffic safety.
4. ~~No sign attached to a building may project more than 18 inches from the building wall.~~
5. Unless otherwise specified ~~No~~ no part of a freestanding sign may exceed a height, measured from ground level at the base of the sign, of 20~~35~~ feet in the CC and IND districts and 15 feet in all other districts where they are allowed.

**C. Sign Illumination and Signs Containing Lights**

1. Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.
2. No sign within 150 feet of a residential zone (including those within) may be illuminated beyond 0.5 footcandles over ambient lighting conditions at the property line.
3. Lighting directed toward a sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.
4. Electronic message centers shall not exceed .3 footcandles over ambient lighting conditions when measured at a distance equal to the square root of the electronic message center area times 100 as shown below,

<b>Area of sign</b>	<b>Measurement distance</b>
<u>16</u>	<u>40</u>
<u>24</u>	<u>49</u>
<u>32</u>	<u>57</u>
<u>40</u>	<u>63</u>
<u>48</u>	<u>69</u>
<u>56</u>	<u>75</u>
<u>64</u>	<u>80</u>
<u>72</u>	<u>85</u>

5. Subject to (6) below, illuminated tubing or strings of lights that outline property lines, sales areas, roof lines, doors, windows, or similar areas are prohibited.
6. Subject to (6) below, no sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity.
7. Sections 5.12.O.4 & 5 do not apply to temporary signs erected in connection with the observance of holidays.

**D. Miscellaneous Restrictions and Prohibitions**

Where applicable, all signs shall be constructed in accordance with the requirements of the North Carolina State Building Code, as amended. The following signs and situations are specifically prohibited within the City of Jacksonville and its extra-territorial jurisdiction.

- ~~1. No sign may be located so that it substantially interferes with the view or vision necessary for motorists to proceed safely through intersections or to enter onto or exit from public streets or private roads. All signs located near intersections or driveways shall be situated to provide a minimum vehicular site triangle as depicted in the MSSD for the purpose of ensuring traffic safety.~~
2. All public entrances shall remain visually permeable and free of signage with the exception of, hours of operation, push, pull and other similar door labels.
3. No sign attached to a building may project more than 18 inches from the building wall.
4. Signs that revolve or are animated or that utilize movement or apparent movement to attract the attention of the public are prohibited. Signs that only move occasionally because of wind are not prohibited if their movement (1) is not a primary design feature of the sign, and (2) is not intended to attract attention to the sign. The restriction of this section shall not apply to signs specified in flags or insignia excluded from sign regulations, "welcome home" banners, or to signs indicating the time, date, or weather conditions.
5. No sign may be erected so that by its location, color, size, shape, nature, or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
6. Freestanding signs that are not securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property are prohibited.
7. Portable signs are prohibited.
8. Flashing signs are prohibited.
9. Painted-on-building signs are prohibited except in the DTB and DTR zoning districts.
10. Signs located within public rights-of-way (except governmental and informational signs as exempted in Section 5.12.D, *Signs Excluded from Regulation*, are prohibited.
11. Signs that are posted on any telegraph pole, telephone pole, electric light pole, or any tree along any street are prohibited.
12. Signs that obstruct ingress or egress to any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any room or building as required by law are prohibited.
13. Strings of lighting, pennants and similar devices are prohibited.

## *5.8 Non-Residential Design Standards*

~~All street level windows shall be visually permeable between a height of three and eight feet above the walkway grade. Banks, Offices and similar uses are exempt from this standard.~~

## *9.4 Definitions*

### **Sign, Flashing**

Any sign which contains a light source and maintains the same appearance or copy display for ~~1429~~ seconds or less. Electronic message boards whose copy display or message does not change more frequently than every ~~3015~~ seconds shall not be considered flashing. Changes must be immediate involving no animation.

### **Sign, Single tenant property**

Any site which has a single tenant or business occupying it.

**BE IT FURTHER ORDAINED** by the City Council of the City of Jacksonville that the Unified Development Ordinance may be appropriately reorganized and/or renumbered in the order to set the provisions of this text change in a logical and orderly fashion. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effective upon its adoption.

Adopted by the Jacksonville City Council in regular session on this 6<sup>th</sup> day of January, 2015.

\_\_\_\_\_  
Sammy Phillips, Mayor

ATTEST:

\_\_\_\_\_  
Carmen K. Miracle, City Clerk



# Draft Planning Board Minutes – December 8, 2014

Agenda  
Item: **10**

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Public Hearing (*Legislative*) – Unified Development Ordinance Text Article 5: Development Standards, Section 5.12 Signage, Section 5.8 Non-Residential Standards, and Article 9: Definitions, Section 9.4

Staff has initiated a Unified Development Ordinance (UDO) text amendment to Article 5, Development Standards, Section 5.12 Signage, Section 5.8 Non-Residential Standards and Article 9 Definitions. The proposed changes would 1) Reduce the maximum allowable height for freestanding signs from 35 feet to 20 feet in the Corridor Commercial and Industrial districts; 2) Adjust the frequency in which electronic message boards can change from 30 seconds to 15 seconds; 3) Increase the allotment of electronic message boards from 30% to 50% for single tenant locations; 4) Limit the brightness of electronic message boards; and 5) Modify existing language to add clarity.

"Before adopting, amending, or repealing any ordinance authorized by this Article, the City Council shall hold a public hearing on it. A notice of the public hearing will be given once a week for two successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published the first time not less than 10 days nor more than 25 days before the date fixed for the hearing." Notifications in accordance with North Carolina General Statutes will be followed.

Staff advises the Planning Board move to recommend approval of the UDO text amendment found in Attachment A.

There were questions raised by the board members relating to current sign height for most signs in Jacksonville, sign setbacks, technology of signs, landscaping issues with dropping the height of the signs and an explanation of the .3 foot candles at a distance. Staff addressed these questions as follows: the trend in signage is moving away from the existing 35 foot signs to shorter height. Most new signs are either at or below 20 feet, currently no sign setbacks, the proposed text amendment would address improvements in sign technology, current landscaping requirements would not interfere with the 20 foot signs and Ms. Barman gave the equation of calculating the proposed luminosity of signs.

**Theresa VanderVere moved to approve text amendment as presented. Alex Wood seconded the motion.**

A question came up that there may be some parcels that would need a sign higher than 20 feet, would that be allowed. Mr. Goodson explained that this would be something the Board of Adjustment would have to

Attachment

**B**

decide by asking for a variance. He explained that if the parcel has a special unique feature that would require a higher sign then a variance can be requested. Mr. King noted that staff can add 10% to the height of the sign in these special circumstances but if they request something higher, then it would have to go before the Board of Adjustment. Mr. Wood asked if other requirements not currently allowed could be requested as well. Mr. King explained the three types of adjustments for these special circumstances.

**The motion to approve text amendment as presented was unanimously approved by the Board Members present.**



# Request for City Council Action

Agenda Item:	<b>11</b>
Date:	1/6/2015

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**Subject:** Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan  
– Zing Zumm Children’s Museum – 820 Barn Street

**Department:** Development Services

**Presented by:** Jeremy B. Smith, Senior Planner

**Presentation:** Yes

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## Issue Statement

Children’s Museum of Jacksonville has submitted a Special Use Permit and Type III Site Plan application seeking approval of a proposed 5,367 square foot museum. The 1.13-acre development site is located at 820 Barn Street.

The property is zoned Residential Single-Family - 7 (RSF-7) and within this zoning district, museums require Special Use Permit approval. This site is the current home of Jacksonville Fire Station #2.

The proposed development is in an existing building within the City limits and as proposed would not impact the City’s Sewer Allocation Policy.

## Financial Impact

None

## Action Needed

Conduct a Public Hearing

Consider the Special Use Permit and Site Plan

## Recommendation

City staff and the Planning Advisory Board recommend City Council approve the Special Use Permit and Site Plans conditioned upon site lighting not exceeding .5 foot candles at the property line.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

- A Conditional/Special Use Permit Worksheet
- B December 8, 2014 Draft PAB Meeting Minutes
- C Zoning and Land Use Map
- D Type III Site Plan & Landscaping Plan
- E Building Elevations
- F Additional Documentation



# Staff Report

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## Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan – Zing Zumm Children’s Museum – 820 Barn Street

### **Introduction**

Children’s Museum of Jacksonville has submitted a Special Use Permit and Site Plan application seeking approval of a proposed 5,367 square foot museum. The 1.13 acre development site is located at 820 Barn Street. The property is zoned Residential Single-Family - 7 (RSF-7) and within this zoning district museums require Special Use Permit approval. This site is the current home of Jacksonville Fire Station #2, which will be relocated once construction of the new facility at 1800 Gum Branch Road is completed.

The proposed development is within the City limits and as proposed would not impact the City’s Sewer Allocation Policy.

### **Procedural History**

- On October 23, 2014 Children’s Museum of Jacksonville submitted this application
- On December 8, 2014 the Planning Advisory Board recommended approval of this request.
- On January 6, 2015 the City Council will conduct a public hearing and consider this request.

### **Stakeholders**

- Children’s Museum of Jacksonville – Developer
- City of Jacksonville – Property Owner
- Parker and Associates – Design Professional
- Adjacent Property Owners – Property owners within 100 feet of the site were sent notifications regarding the City Council meeting. As required by the Unified Development Ordinance, public hearing notifications will be sent to all adjacent property owners within 100 feet of the property. In addition, signs were posted on site and legal advertisements were printed in the Jacksonville Daily News prior to the public hearing.

### **Land Use Assessment**

The subject parcel is designated as Low Density Residential (LDR) by the CAMA future land use map. Properties to the west, east, and south, are also designated Low Density

Residential by the CAMA future land use map. The CAMA Land Use Plan identifies properties designated LDR to be primarily single-family detached residential developments with home occupations, schools, churches and other non-profit organizations. The land use designation is consistent with the CAMA Land Use Plan.

### **Zoning Assessment**

The proposed development is located within the City limits and is zoned RSF-7. The site is bordered to the north across Barn Street by single-family residences, zoned RSF-7; to the south, east and west by single-family residences, all zoned RSF-7.

### **Conditions of Approval**

In approving Special Use Permits, the City Council may impose appropriate condition(s) on the approval in accordance with Section 2.2.0, Conditions of Approval which states:

#### **1. General**

Where the express terms of this ordinance authorize a decision-making body to approve a development application with conditions, such body may impose reasonable and appropriate conditions or restrictions on the approval. The conditions may, as appropriate, ensure compliance with particular standards of this ordinance, prevent or minimize adverse effects from the proposed development on surrounding lands, or ensure conformance to the goals, objectives, policies, strategies, and actions included in City-adopted plans addressing the City's growth and development.

#### **2. Limitations**

The restrictions and conditions imposed must be related in both type and amount to the impact that the proposed development would have on the public and surrounding development. All conditions imposed shall be expressly set forth in the permit approval.

### **Parking Assessment**

Per Article 5: Development Standards, Section 5.1: Off-Street Parking, Loading, and Circulation of the Unified Development Ordinance (UDO), museums require 1 parking space per every 300 square feet of gross floor area therefore this development is required 18 parking spaces. The UDO currently allows developments to have up 125% of the required parking spaces, making the total allowed spaces for this project to be 23. The site plan identifies 19 proposed parking spaces.

### **Landscaping/Buffer Assessment**

Per Article 5: Development Standards, Section 5.2: Landscaping Standards of the UDO when RSF-7 properties are adjacent to properties also zoned RSF-7, buffering is not required.

The site plan has demonstrated the required 8 foot street lawn along Barn Street, interior parking islands and the 4 foot perimeter lawns along all interior and rear property lines except in those areas where existing asphalt exists. Staff utilized Article 5.2.J Allowable Deviations for the landscaping requirements of this site which provides flexibility for the redevelopment of existing sites.

Staff believes the approval as shown will not endanger public health/safety, injure the value of adjoining property and the use of the property meets all required conditions and specifications.

### **Lighting Assessment**

Per Article 5: Development Standards, Section 5.5: Exterior Lighting of the UDO the following standards shall be met and/or maintained; 1) maximum lighting height shall not exceed 16 for new development locating adjacent to lower intensity development, 2) maximum illumination levels are allowed up to 2.5 foot candles; however, staff recommends that the maximum should be conditioned to follow the residential standard which is 0.5 foot candles at the property line, and 3) all proposed lighting shall be directed downward thereby maintaining a “dark sky” standard.

### **Sewer Flow Allocation Assessment**

The proposed development is in an existing building within the City limits and as proposed would not impact the City’s Sewer Allocation Policy.

### **Merits of the Special Use Permit**

Pursuant to Article 2: Administration, Section 2.3 Standards and Requirements for Development Applications, Subsection D: Special Use Permits, of the UDO, staff submits the following findings of fact:

- a. The proposed use is an acceptable use in the zoning district in which it is being located ;

Preliminary staff findings: The property is zoned Residential Single-Family – 7 (RMF-7) and within this zoning district, museums require Special Use Permit approval.

- b. The application is complete;

Preliminary staff findings: The necessary applications, fees, special use permit have been submitted in accordance with City policies and procedures.

- c. The location and character of the use will be in conformity with the City’s land use plan and other comprehensive plan elements;

Preliminary staff findings: Staff believes that the proposed project’s land use is consistent with the CAMA Plan. The subject parcel is designated as Low Density

Residential (LDR) by the CAMA future land use map. Properties to the west, east, and south, are also designated Low Density Residential by the CAMA future land use map. The CAMA Land Use Plan identifies properties designated LDR to be primarily single-family detached residential developments with home occupations, schools, churches and other non-profit organizations. The land use designation is consistent with the CAMA Land Use Plan.

Staff has neither found nor been presented with evidence that the proposed use is inconsistent with the City's land use plan and other comprehensive plan elements.

- d. Streets, driveways, parking lots, traffic control and any other traffic circulation features are designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be appropriate for the conditional use;

Preliminary staff findings: City staff has determined that the Type III Site plan provided meets all applicable standards for the proposed use, and recommends the following condition:

Site lighting not to exceed .5 foot candles at the property line.

- e. The proposed conditional use will not substantially injure the value of adjoining or abutting properties;

Preliminary staff findings: The proposed development is located within the City limits and is zoned RSF-7. The site is bordered to the north across Barn Street by single-family residences, zoned RSF-7; to the south, east and west by single-family residences, all zoned RSF-7.

Staff has neither found nor been presented with any evidence that the proposed use would substantially injure the value of adjoining or abutting properties.

- f. The proposed conditional use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area;

Preliminary staff findings: The proposed development is located within the City limits and is zoned RSF-7. The site is bordered to the north across Barn Street by single-family residences, zoned RSF-7; to the south, east and west by single-family residences, all zoned RSF-7.

Staff has neither found nor been presented with any evidence that the proposed use is not compatible and in harmony with adjoining land uses and the development pattern of the immediate area.

- g. The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;

Preliminary staff findings: Staff has not been presented with any evidence that the proposed use would materially endanger the public health or safety if located where proposed.

## **Options**

**A.** Approve the Special Use Permit and Site Plan as presented.

- Pros: None
- Cons: Would allow commercial lighting intensities within a residential area.

**B.** Conditionally approve the Special Use Permit and Site Plan. **(Staff and PAB recommended)**

- Pros: The proposed use plan meets the requirements of the UDO. Allows the development process to move forward with conditions.
- Cons: None

### **Recommended Condition:**

1. Site lighting not to exceed .5 foot candles at the property line.

**C.** Deny the Special Use Permit and Site Plan request.

- Pros: None
- Cons: Would not allow the process to move forward. The development is consistent with the land use plan.

**D.** Defer Consideration of the request.

- Pros: Deferral would allow staff sufficient time to address any concerns the City Council may have.
- Cons: Would delay the development process.

## WORKSHEET FOR SPECIAL/CONDITIONAL USE PERMITS

Applicant: Children's Museum of Jacksonville

Location: 820 Barn Street (Tax Map 406, Parcel ID #16)

Proposed Use of Property: Museum

### 1. FINDINGS OF FACT

a.	The application is complete	Yes	No
b.	The proposed use is an allowable Special Use in the zoning district it is being located in	Yes	No
c.	The location and character of the use will be in conformity with the City's land use plan and other comprehensive plan elements	Yes	No
d.	Streets, driveways, parking lots, traffic control and other traffic circulation features shall be designed and/or provided in accordance with current traffic engineering standards and City regulations, and found to be adequate for the proposed Special Use	Yes	No
e.	The proposed Special Use will not substantially injure the value of adjoining or abutting properties	Yes	No
f.	The proposed Special Use will be compatible and in harmony with adjoining land uses and the development pattern of the immediate area	Yes	No
g.	The proposed use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved.	Yes	No

### 2. GRANTING THE SPECIAL USE PERMIT

Motion to grant the Special Use permit based on items (a) through (g) found to be affirmative.

\_\_\_ The Special Use Permit is granted, subject to the following conditions:

- 1) The applicant shall complete the development strictly in accordance with the plans submitted to an approved by City Council.
- 2) If any conditions affixed hereto or any part thereof shall be held invalid or void, then this permit shall be void and of no effect: \_\_\_\_\_

### 3. DENYING THE SPECIAL USE PERMIT

motion to deny based on:

- \_\_\_ The Application is denied because, if completed as proposed, the development more probably than not: \_\_\_\_\_
- \_\_\_ Will not be in conformity with the City's land use plan and other comprehensive plan elements for the following reasons: \_\_\_\_\_
- \_\_\_ Will substantially injure the value of adjoining or abutting properties for the following reasons: \_\_\_\_\_
- \_\_\_ Will not be compatible and not be in harmony with adjoining land uses and the development pattern of the immediate area for the following reasons: \_\_\_\_\_

Exhibit

**A**



# Draft Planning Board Minutes – December 8, 2014

Agenda  
Item: **11**

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## Public Hearing (*Quasi-Judicial*) Special Use Permit and Type III Site Plan – Zing Zumm Children's Museum – 820 Barn Street

Children's Museum of Jacksonville has submitted a Special Use Permit and Site Plan application seeking approval of a proposed 5,367 square foot museum. The 1.13 acre development site is located at 820 Barn Street. The property is zoned Residential Single-Family - 7 (RSF-7) and within this zoning district museum's require Special Use Permit approval. This site is the current home of City of Jacksonville Fire Station #2, will be relocated once construction of the new facility at 1800 Gum Branch Road is completed. The proposed development is within the City limits and as proposed would not impact the City's Sewer Allocation Policy.

The subject parcel is designated as Low Density Residential (LDR) by the CAMA future land use map. Properties to the west, east, and south, are also designated Low Density Residential by the CAMA future land use map. The CAMA Land Use Plan identifies properties designated LDR to be primarily single-family detached residential developments with home occupations, schools, churches and other non-profit organizations. The land use designation is consistent with the CAMA Land Use Plan.

The proposed development is located within the City limits and is zoned RSF-7. The site is bordered to the north across Barn Street by single-family residences, zoned RSF-7; to the south, east and west by single-family residences, all zoned RSF-7. Per Article 5: Development Standards, Section 5.1: Off-Street Parking, Loading, and Circulation of the Unified Development Ordinance (UDO), museums require 1 parking space per every 300 square feet of gross floor area therefore this development is required 18 parking spaces. The UDO currently allows developments to have up 125% of the required parking spaces, making the total allow spaces for this project to be 23. The site plan identifies 19 proposed parking spaces. Per Article 5: Development Standards, Section 5.2: Landscaping Standards of the UDO when RSF-7 properties are adjacent to properties also zoned RSF-7, buffering is not required. The site plan has demonstrated the required 8 foot street lawn along Barn Street, interior parking islands and the 4 foot perimeter lawns along all interior and rear property lines except in those areas where existing asphalt exists. Staff utilized Article 5.2.J Allowable Deviations for the landscaping requirements of this site which provides flexibility for the redevelopment of existing sites.

Staff believes the approval as shown will not endanger public health/safety, injure the value of adjoining property and the use of the property meets all required conditions and specifications. Per Article 5: Development Standards, Section 5.5: Exterior Lighting of the UDO the following standards shall be met and/or maintained; 1) maximum lighting height shall not exceed 16 for new development locating adjacent to

Exhibit

**B**

lower intensity development, 2) maximum illumination levels are allowed up to 2.5 foot candles; however, staff recommends that the maximum should be conditioned to follow the residential standard which is 0.5 foot candles at the property line, and 3) all proposed lighting shall be directed downward thereby maintaining a "dark sky" standard.

The proposed development is within the City limits and as proposed would not impact the City's Sewer Allocation Policy.

City staff recommends the Planning Advisory Board move to approve Special Use Permit and Site Plans with conditions found in the staff report.

There were some concerns raised regarding parking by some of the board members. John Parker and staff addressed those concerns.

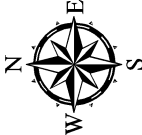
**Danny Williams moved to approve the special use permit and site plan with Findings of Fact A through G along with the staff recommendations on the lighting. Alex Wood seconded the motion.**

**The motion to approve the special use permit and site plan with Findings of Fact A through G along with the staff recommendations on the lighting was unanimously approved by the Board Members present.**

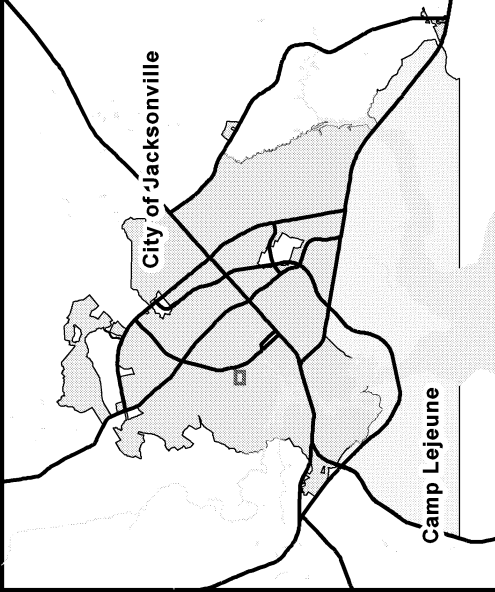
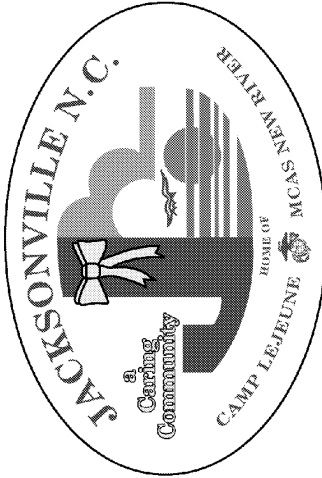
# 802 Barn Street - Zing Zumm Children's Museum



Disclaimer: This Map is intended to use for planning purposes only. City of Jacksonville or its individual departments are not liable for any data inaccuracies. Once again this map should not be used for any legal boundary determinations and data displayed on this map is collected from various different sources.



1 inch = 83 feet



## Legend

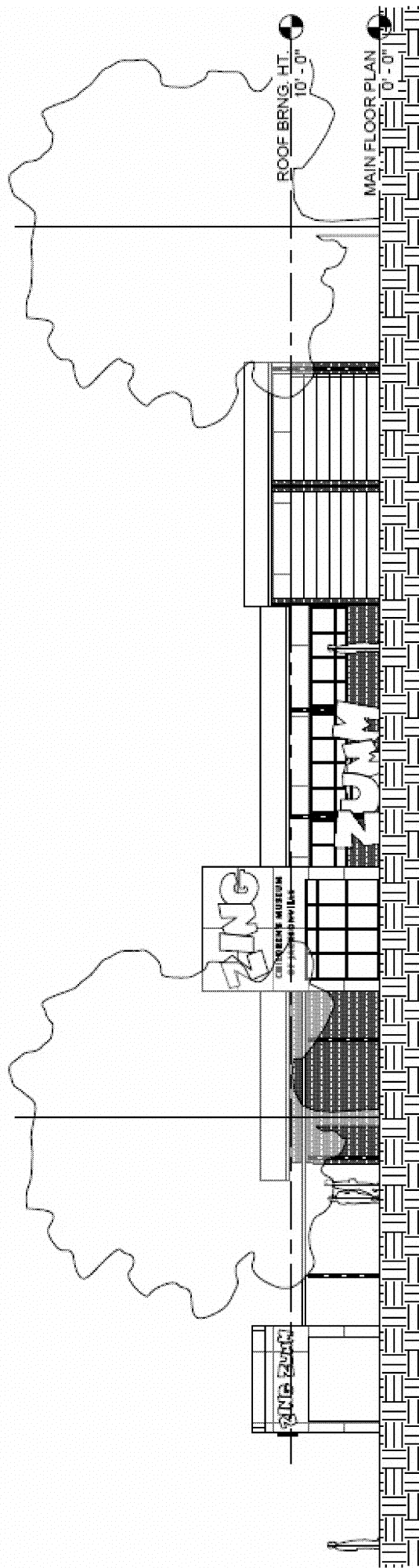
- CC
- DTB
- DTR
- IND
- MR
- NC
- OI
- PDC
- PDR
- PDT
- RMF-HD
- RMF-LD
- RSF-10
- RSF-20
- RSF-40
- RSF-5
- RSF-7

Exhibit

C

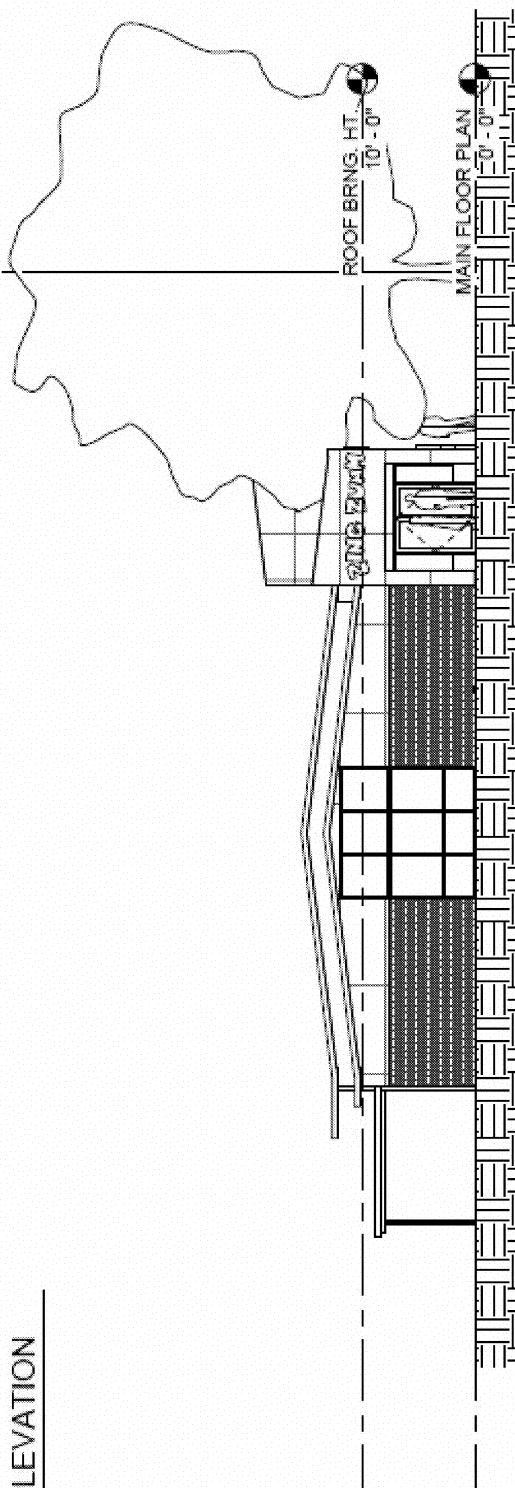






1 FRONT ELEVATION

3/32" = 1'-0"



2 SIDE ELEVATION

3/32" = 1'-0"

**DUNN &  
DALTON**  
ARCHITECTS, P.C.  
401 North Washington Street  
Jacksonville, North Carolina 32201  
P. 904.327.1523 F. 904.327.1546

A-3 BUILDING ELEVATIONS

ZING-ZUMM CHILDREN'S MUSEUM OF JACKSONVILLE

Scale: 3/32" = 1'-0"

Project No.: 2246-0007

Date: November 19, 2014

Exhibit

**E**

Children's Museum of Jacksonville  
"Zing Zumm"  
Findings of Fact

- A. The proposed use is designated as an allowable special use in the zoning district where located;  
This site is zoned RSF-7. Museums are allowed as a special use.
- B. The development complies with all applicable standards in City of Jacksonville Unified Development Ordinance  
The proposed development additions comply with all applicable standards of the Unified Development Ordinance, except within the areas of the existing parking and drive.  
We are asking for Administrative Adjustment for the existing drive location and the 4' perimeter buffer along the back of the existing parking.
- C. The location and character of the development conforms with all City-adopted plans addressing the City's growth and development;  
The CAMA future land use map designates the subject parcel as Public and the surrounding properties as Low Density Residential.  
The proposed land use is consistent with the CAMA Land Use Plan.  
The proposed development is a redevelopment of the current City of Jacksonville (Northwoods) Fire Station Number 2.
- D. The development's streets, driveways, parking areas, traffic control, and any other traffic circulation features are designed or provided in accordance with current traffic engineering standards and relevant City regulations, and will be adequate for the proposed use;  
The proposed site currently has two driveways in close proximity of each other. One driveway will remain, the second (fire truck drive) will be removed and a new driveway constructed in a new location to access the parking area. The existing parking in the rear of the site will remain and be restriped and additional parking and activity bus drop off area will be added.  
The site has existing sidewalks along Barn Street. New sidewalks will be installed as needed along with required handicap ramps.

Exhibit

**F**

- E. The development will not substantially injure the value of adjoining properties;

The proposed development is located within the City limits and is zoned RSF-7. The site fronts on Barn Street and is surrounded by single family homes all zoned RSF-7.

This site is currently the location of the City of Jacksonville (Northwoods) Fire Station Number 2.

- F. The development is compatible and in harmony with adjoining land uses and the development pattern of the immediate area; and

The proposed development is located within the City limits and is zoned RSF-7. The site fronts on Barn Street and is surrounded by single family homes all zoned RSF-7.

This site is currently the location of the City of Jacksonville (Northwoods) Fire Station Number 2.

- G. The proposed development will not materially endanger the public health or safety.

The proposed site is a redevelopment of the current City of Jacksonville (Northwoods) Fire Station Number 2.

There is no evidence that the proposed development will materially endanger the public health and safety.



# Request for City Council Action

Agenda Item:	<b>12</b>
Date:	1/6/2015

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**Subject:** Onslow Community Outreach Request for Funding  
**Department:** Community Development  
**Presented by:** Lillie R. Gray, Community Development Administrator  
**Presentation:** Yes

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## Issue Statement

Onslow Community Outreach has identified a need to acquire and purchase property for the purpose of expanding their services, currently headquartered at 600 Court Street. The Outreach wishes to provide enhancements to the New River neighborhood as well as to relocate some of their services. The nonprofit formed by various religious congregations is in the due diligence phase connected to an offer to purchase the former Piggly Wiggly building located at 1210 Hargett Street. This move will allow Onslow Community Outreach to sell their Court Street building and eventually move many of their operations to the new location, which they hope to improve to set a high standard for redevelopment.

To assist with the cost of acquisition, Onslow Community Outreach is requesting \$250,000 in Community Development Block Grant (CDBG) funding. The funding would be consistent with the Annual Action Plan and follows recommendations from HUD advisors.

## Financial Impact

There is currently \$224,070.99 available in the CREATE program. This program has been discontinued and these funds are available for reprogramming contingent upon amending the FY14-15 Annual Action Plan. An additional \$25,929.01 in CDBG funds can also be made available for a total of \$250,000. Funds would be made available in the form of a deferred forgivable loan.

## Action Needed

Authorize Community Development staff to amend the FY14-15 Annual Action plan to reallocate funds from the CREATE program to this activity.

## Recommendation

Staff recommends that Council authorize a plan amendment to reallocate funds.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

None



# Staff Report

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## Onslow Community Outreach Request for Funding

### Introduction

Onslow Community Outreach has been unable to accommodate some calls for service at their current location at 600 Court Street. As the Soup Kitchen was their first activity, it however limits the ability to house a day shelter for homeless persons because the space must be used for the Soup Kitchen operations during the day. Outreach annually searches for space to operate the Christmas Cheer program, which birthed the Outreach nonprofit. Outreach has little space for food staples storage. Despite regular drives which produce significant amounts, much of it has to be distributed quickly because of the lack of storage. This results in frequent calls to the public for specific foods when the Outreach runs out.

A building frequently used for Christmas Cheer has become available and Outreach is in the due diligence period to acquire the former Piggly Wiggly at 1210 Hargett Street. The design budget, exact plans and renovation schedule are under development during this period.

The building would allow for a day shelter which could provide relief during extraordinary cold or hot days, day services to the homeless and housing services to help persons avoid becoming homeless.

Onslow Community Outreach has submitted an offer of \$750,000 for this property. To assist with the acquisition costs, \$250,000 in CDBG funding is requested. The remainder of the funding would come from donations, loans and credits as part of the sale.

Additionally, Outreach is investigating providing additional services to the New River neighborhood. In that the area is a grocery store desert, opportunities to provide fresh food are being explored as well as partnering with others for redevelopment of the housing areas between Hargett Street and Lejeune Boulevard. Outreach is aware of the City's desire to help address concerns in the New River area and wants to work with existing efforts, congregations in the area and residents to help achieve a stable neighborhood.

The building is being investigated to house neighborhood activities to improve the community, provide for a stable and reserved disaster relief center operation and as a potential entrepreneurial incubation site.

Outreach has indicated a strong desire for the building to be improved in such a manner that it is aesthetically pleasing and sets a standard for redevelopment activities in the neighborhood.

## **Five Year Consolidated Plan**

As required by the US Department of Housing and Urban Development, during the development of the Five Year Consolidated Plan for 2014-2018, **meeting the needs of homeless persons was identified as a priority need.** The need to relocate the shelter was also stated as a need and included in the plan. As part of the planning process funding allocated for the CREATE program was identified as a potential revenue source to be allocated in FY15-16.

## **Financial Impact**

Staff has identified \$250,000 in funding that can be used for this purpose. To ensure that the project is completed, to include rehabilitation and use of the facility as a shelter, it is recommended that funding be provided in the form of a deferred forgivable loan. The loan would be forgiven over a 10 year period. However, if the project is not completed and in part used as a homeless shelter, the funding would be returned.

## **Process**

In order to make the funds available in FY14-15, an amendment to the Annual Action Plan is required. The proposed amendment must be published in the Daily News of Jacksonville allowing for a 15-day public comment period.

## **Stakeholders**

- Citizens of the City
- Homeless and displaced persons
- Residents of New River neighborhood

## **Options**

- Option 1 – Authorize an amendment to the FY14-15 Annual Action plan and transfer funds from the CREATE program to this activity. **RECOMMENDED.**
  - Pros – This will address a priority need as identified in the Five Year Consolidated Plan for FY14-18
  - Pros – The homeless shelter can complete the acquisition process
  - Cons – CDBG funds would not be available for other eligible activities
- Option 2 – Council may decline the request
  - Pros – CDBG funds would remain available for other eligible activities
  - Cons – A priority need as identified in the Five Year Plan will not be addressed
  - Cons – Onslow Community Outreach will need to identify other funding sources



# Request for City Council Action

Agenda Item:	<b>13</b>
Date:	1/6/2015

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**Subject:** Jacksonville Tourism Development Authority (TDA) Appointment  
**Department:** Community Affairs  
**Presented by:** Glenn Hargett, Assistant City Manager  
**Presentation:** No

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## Issue Statement

A vacancy has occurred on the Jacksonville Tourism Development Authority. The position must be occupied by a person representing "individuals who are affiliated with businesses that collect the tax in the City." The original appointee for this position has since left the area. After consultations and interviews, Rick Young has been recommended for appointment to the Authority. He is currently the Area General Manager for the Suburban Extended Stay Hotel and the Mainstay Suites and is a Shadow Member of the Authority. He was previously interviewed for the position.

Mayor Pro Tem Michael Lazzara is the Chairman of the Authority Board of Directors.

## Financial Impact

None

## Action Needed

Seek nominations

Close nominations/ Vote on appointment

## Recommendation

Consider appointing Rick Young to a term expiring June 30, 2017.

Approved: ☒ City Manager ☐ City Attorney

Attachments:

A TDA Membership Listing



# Staff Report

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## Jacksonville Tourism Development Authority Appointments

Resolution 2010-15 established the Jacksonville Tourism Development Authority with the appointments to be made by the Mayor and the City Council. In the election to the initial terms, Bill Hemingway and Michelle Parker were appointed to one-year terms. Two other persons were appointed to two-year terms, and two others were appointed for three-year terms in order to create a staggered appointment system. Subsequent appointments are to be made for three-year terms, or for portions of unexpired terms in the event of a vacant term.

Linzi Thomas held a seat assigned to someone connected to the collection of the tax. She has left the area. The seat must be someone affiliated with the collection of the tax for service on the board.

Several persons were considered for the position and were interviewed when Sergio Garcia left the seat. After the interviews, Linzi Thomas was selected. Rick Young was also interviewed, and is now recommended for the position. He is the Area General Manager for the Suburban Extended Stay Hotel and Mainstay Suites. He currently serves as a Shadow Member to the Authority and is on the Onslow County Tourism Advisory Board operated by the Chamber of Commerce. He has also been active in other efforts designed to advance tourism in the County.

There is one other shadow member, Ernie Wright. However, he is not associated with a business that collects the tourism tax.

### Positions for Consideration

Category	Incumbent
Tax Collection Affiliated	Vacant

### Nominee and Recommended Term

Category	Nominee	Term to Expire
Tax Collection Affiliated	Rick Young	6/30/2017



# City of Jacksonville

## Tourism Development Authority

### Currently Serving members of the Jacksonville Tourism Development Authority

*Updated December 15, 2014*

#### **Mayor Pro Tem Michael Lazzara**

Chairman of the Authority

*Elected May 18, 2010 to a 3-year term July 1, 2010 to June 30, 2013*

*Elected May 7, 2013 to a 3-year term July 1, 2013 to June 30, 2016*

#### **Fannie Coleman**, Former Jacksonville City Councilmember

*Elected May 18, 2010 to a 2-year term July 1, 2010 to June 30, 2012*

*Elected August 8, 2012 to a 3-year term July 1, 2012 to June 30, 2015*

*Representing Businesses affiliated with collecting the tax and currently active in the promotion of travel and tourism in the City*

#### **MellaDee York**, General Manager, Homes2Suites by Hilton

*Elected May 18, 2010 to a 2-year term July 1, 2010 to June 30, 2012*

*Elected August 8, 2012 to a 3-year term July 1, 2012 to June 30, 2015*

#### **Linzi Thomas**, General Manager, Hampton Inn

*Elected September 17, 2013 to an unexpired term to end June 30, 2014*

*Elected May 7, 2014 to a 3-year term July 1, 2014 to June 30, 2017*

*Currently active in the promotion of travel and tourism in the City*

#### **Ken Hagan**, Vice Chairman of the Authority

*Elected May 18, 2010 to a 3-year term July 1, 2010 to June 30, 2013*

*Elected May 7, 2013 to a 3-year term July 1, 2013 to June 30, 2016*

*Mr. Hagan is active with the Jacksonville-Onslow Sports Commission, the Sturgeon City nonprofit and various other tourism related activities.*

#### **Bill Hemmingway**

*Elected May 18, 2010 to a 1-year term July 1, 2010 to June 30, 2011,*

*Elected October 4, 2011 to a 3-year term July 1, 2011 to June 30, 2014*

*Elected May 7, 2014 to a 3-year term July 1, 2014 to June 30, 2017*

*Mr. Hemmingway has served on the Museum of the Marine Board of Directors and has served on the National Board of the Fleet Reserve Association.*

#### **Shadow Members**

##### **Ernie Wright**

*Mr. Wright was appointed August 8, 2012 to serve as a special shadow member to the Authority.*

##### **Rick Young**

*Mr. Young was appointed September 17, 2013 to serve as a special shadow member to the Authority.*

Attachment

**A**

## **Historical Appointments to the JTDA**

*Elected May 18, 2010 to a 3-year term July 1, 2010 to June 30, 2013*

**Michael Lazzara**, and designated as Chairman

**Ken Hagan**, representing Promotion of Travel and Tourism Related interests

*Elected May 18, 2010 to a 2-year term July 1, 2010 to June 30, 2012*

**MellaDee York**, as a Tax Collections Affiliated person and representing Promotion of Travel and Tourism Related interests

**Fannie Coleman**, incumbent City Council Member

*Elected May 18, 2010 to a 1-year term July 1, 2010 to June 30, 2011,*

**Michelle Parker**, as a Tax Collections Affiliated person and representing Promotion of Travel and Tourism Related interests

**Bill Hemmingway**, representing Promotion of Travel and Tourism Related interests

*Elected October 4, 2011 to a 3-year term July 1, 2011 to June 30, 2014*

**Bill Hemmingway**, representing Promotion of Travel and Tourism Related interests

**Sergio Garcia**, as a Tax Collections Affiliated person and representing Promotion of Travel and Tourism Related interests

*Elected August 8, 2012 to 3-year terms July 1, 2012 to June 30, 2015*

**MellaDee York**, as a Tax Collections Affiliated person and representing Promotion of Travel and Tourism Related interests

**Fannie Coleman**, as an at-large member

*Elected May 7, 2013 to a 3-year term July 1, 2013 to June 30, 2016*

**Michael Lazzara**

**Ken Hagan**, representing Promotion of Travel and Tourism Related interests

**Sergio Garcia**: Resigned, effective July 1, 2013, as he was no longer associated with a tax collecting lodging facility.

*Elected September 17, 2013 to an unexpired term to end June 30, 2014*

**Linzi Thomas**, as a Tax Collection Affiliated Person and representing the Promotion and Travel and Tourism Related Interests. At the same time, **Rick Young** was appointed to a position as a shadow member.

*Elected May 7, 2014 to 3-year terms to begin July 1, 2014 and end June 30, 2017*

**Linzi Thomas**, as a Tax Collection Affiliated Person and representing the Promotion and Travel and Tourism Related Interests and **Bill Hemmingway**, representing Promotion of Travel and Tourism Related interests.

**Linzi Thomas** resigned, effective December 31, 2014 as she was no longer to be in the area and affiliated with a tax collecting lodging facility.